

# Global New Member Orientation Guide

*Produced by the:*  
**House Democracy Partnership (HDP)**

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## Glossary of Terms

**Accountability:** Ensuring that lawmakers remain good stewards of their authority. Maintained through mandatory reporting systems, media investigations and established forums in which interested citizens can pose questions and file official grievances, and informal avenues for lawmakers to explain their actions.

**Audit:** A review of a legislation's implementation or the acts of a government agency to determine compliance with the statute and the lawmakers' intent.

**Bicameral:** A legislative body with two chambers.

**Casework:** A service provided by lawmakers for their constituents. Casework can include assisting with navigating local or federal bureaucracies, expediting travel documents, providing information on legislative proceedings, or advocating on behalf of a constituent before a federal agency.

**Civil society organization (CSO):** An organization/community outside of the government that has the potential to influence, support or oppose the work of lawmakers and other government officials.

**Coalition:** A collection of parties joined together to form a government, typically bound by power-sharing and/or policy agreements.

**Code of conduct:** Written specifically for the legislative context, it establishes clear principles outlining the actions of members of parliament (MPs) and their staff to ensure they are acceptable under the auspices of public service. For example, codes of conduct outline behaviors inside and outside the chamber, and articulate the rights afforded to each member, including limits on speech.

**Constituents:** The citizenry represented by an elected officeholder.

**Decorum:** Rules dictating acceptable conduct and behavior in the legislative chamber.

**District/constituent office:** A member's office located within their district or constituency. Often used for handling constituent casework and holding meetings with constituents.

**Ethics:** A broad framework guiding behavior meant to preserve the integrity of the legislative institution.

**Gender audit:** An evaluation of gender balance in the structures, operations, human resources, policies and services of parliament. The results obtained through these audits are used to make improvements or to reduce existing inequalities.

**Gender impact assessment:** An evaluation to determine whether a law or policy reduces, maintains or increases gender inequality.

**Gender mainstreaming:** Strategies and techniques designed to advance gender equality.

**Gender-responsive budgeting:** The process of applying gendered analysis to the decision-making processes involved in allocations and revenue raising. Involves actively thinking about how spending/revenue will affect gender inequalities and bring about greater equality.

**Hansard/stenographer:** A legislative service that publishes the official record of proceedings for legislative bodies.

**Hearing:** A formal meeting of a committee meant to gather information from witnesses for legislative and/or oversight purposes.

**House Democracy Partnership (HDP):** A bipartisan commission of the U.S. House of Representatives whose mission is to work with countries around the world to promote responsive, effective government, and strengthen democratic institutions.

**Hybrid system:** Parliamentary systems, such as semi-presidential and semi-parliamentary systems, are systems in which the electorate votes for members of the executive and legislature separately. Hybrid systems are dependent on a nation's constitutional authorities and may distinguish separate powers between members of the executive and legislature to serve as separate heads of state and government with varying authorities and responsibilities.

**Independent offices:** A nonpartisan, nonpolitical support office for the legislature that typically conducts research or other consultations for parliamentarians.

**Informal caucuses:** A grouping of lawmakers that is not formally recognized or established.

**International Republican Institute (IRI):** A nonprofit, nonpartisan and nongovernmental organization that advances democracy and freedom worldwide. IRI links people with their governments, guides politicians to be responsive to citizens and motivates people to engage in the political process.

**Majority:** A party or coalition of parties with enough members in a legislative body to gain control. The majority is afforded the power to set the legislature's agenda. In a Westminster system, the majority is also tasked with forming a government.

**Markup:** Committee meeting where the language of a proposed bill is debated, amended and finalized before it is reported to the full chamber.

**Minority:** A party or group of parties without enough members to win control of the legislature. Sometimes referred to as the "opposition," the minority may also set up a "shadow cabinet" meant to counter the majority's government.

**Multiparty system:** A political system in which two or more parties compete for power, votes and control of the legislature.

**National Democratic Institute (NDI):** A nonprofit, nonpartisan and nongovernmental organization that works in partnership around the world to strengthen and safeguard democratic institutions, processes, norms and values to secure a better quality of life for all.

**Open Government Partnership (OGP):** A multilateral organization whose member governments entered into agreements with civil society organizations to deliver better results for citizens on a range of issues, including budget transparency, gender, access to information laws, anti-corruption, among others.

**Oversight:** The process by which a legislature ensures that its adopted laws are administered legally, effectively, inclusively and according to the parliament's legislative intent. Oversight can be conducted through official investigations or informal communications, can be ongoing and routine, or can be reactive.

**Parliament/legislature:** A representative body of the people with a mandate to represent the interests of constituents, write and pass legislation, and conduct oversight of the government.

**Parliamentary Budget Office (PBO):** An independent, nonpartisan office meant to provide the legislature with technical and analytical budgetary support. They are often staffed with budgetary experts and economists who provide MPs and committees with budget-specific information and analysis that is wholly independent from that submitted by the executive.

**Party caucuses:** The official organization of a party's members in a legislature.

**Party committees:** An organization dedicated to campaigning for a particular party through fundraising as well as providing research and financial support to members' campaigns.

**Party conferences:** Decision-making arms of the party concerned with composing the party's leadership and setting the party's agenda.

**Party factions:** Groups within a party that may have differing or sometimes competing interests and can sometimes vote as a bloc.

**Party groups:** A term that refers to groups of parliamentarians of the same party that work together in the legislature to achieve a common goal. A party group can also be referred to as a "party caucus." Additionally, in some parliamentary systems, legislators join together in "all-party groups" and other groupings of multi-partisan representation in order to achieve common legislative goals.

**Party whip:** A party leadership position whose responsibility is to build support for the party's agenda. This is typically done by monitoring the position of the party's members and reporting this to leadership.

**Performance audit:** An assessment to determine whether citizens/taxpayers have received "value" for expended funds, which involves a review of whether the government program in question has met its targets/objectives.

**Plenary:** A session of parliament involving all members, typically used to pass legislation.

**Post-legislative scrutiny:** A set of practices that are employed by legislators in the evaluation of legislation that helps assess whether the implementation of that legislation supported its beneficiaries as intended.

**Quota:** A defined number or proportion of a party list, committee/leadership composition or reserved seats dedicated for a particular marginalized group, prescribed either through statute or entered voluntarily.

**Rules of procedure/standing orders:** A set of rules, sometimes adopted at the convening of parliament, that govern debate, voting, floor recognition and other procedural matters.

**Supreme Audit Institution:** Independent agency tasked with overseeing the validity and usefulness of government expenditures.

**Transparency:** The degree to which a legislature's processes, operations and actions are open, honest and forthright to the public. Transparent legislatures recognize that legitimacy relies on citizens' ability to stay informed of its actions and those of its individual lawmakers.

**Unicameral:** A legislative body with a single chamber.

**U.S. Agency for International Development (USAID):** A U.S. federal agency responsible for administering foreign aid and development assistance.

**Vote of no confidence:** A vote to determine whether a member of the government is still deemed fit to hold office. These are often used against the prime minister, but are also available to be used against cabinet members.

**Westminster system:** A parliamentary system characterized by an executive branch composed of members of parliament, ruling and opposition parties, separate head of state and head of government, and separation of powers between the executive, legislative, and judicial branches.

## Preface: Five Keys to Being a Successful MP

There is no singular path to becoming an effective member of parliament (MP). Even the very definition of *effective* does not have universal acceptance. For some MPs, effective means advancing a host of legislative priorities. For others, the most successful MPs are those who perform the most constituent casework or secure the most funding for their districts.

No matter an MP's specific goals while serving, the following are the most commonly mentioned keys to success offered by former MPs and legislative experts for newly elected MPs to keep in mind to maximize their success within the legislature.

### **1. *Learn the Rules of Procedure***

One of the greatest differentiators between MPs is their mastery of the rules of procedure or standing orders. Members who understand the procedural processes of their chamber and institution as a whole, including their constraints and limitations, often find themselves better able to advance their personal legislative agendas. They are also better able to anticipate floor and legislative developments and strategize effective solutions to potential procedural hurdles or delays.

Conversely, MPs who do not understand the legislature's rules often find themselves at a stark disadvantage to those who do. MPs who are uncertain of the procedures can be stymied by more procedurally fluent members who know when to invoke mechanisms to alter the chamber's process or business. Put directly, not understanding the body's rules of procedure is the difference between legislative success and failure.

Developing a command of the legislature's rules is not easy. This is especially difficult for MPs with no prior legislative experience. Rules of procedure are often written in nonintuitive language and may include numerous technicalities that only an experienced few know how and when to deploy. Moreover, most parliaments' standing orders are compiled in a thick manual that serves more as a reference text than a helpful guide to affecting procedural or legislative outcomes. Successful MPs recognize that understanding the rules of procedure takes time and ongoing, purposeful study.

Perhaps the most efficient way to gain a mastery of procedures is to watch more experienced MPs use them in practice. Observing committee and floor actions—particularly points of order, questions posed to the chair and common procedural phrases—provide MPs with applicable scenarios in which procedures are regularly applied. Alternatively, reading the previous days' legislative record or transcript offers MPs a written account of procedures being used in the legislative context.

Seeking advice from those with a clear understanding of the chamber's rules of procedure is also highly advised for MPs looking to develop their own mastery of the subject. Developing strong relationships with experienced MPs and the office of the Secretary General, and routinely seeking their advice and explanations regarding procedures, is highly recommended. Additionally, MPs should pursue or request procedural trainings and resources that may be provided by legislative support offices.

### **2. *Stay Connected to Constituents***

As a member of the representative institution of government, maintaining strong lines of communication with constituents is vital for every MP. At many points during a legislative session, the demands of the chamber may leave minimal time for constituent events or outreach. However, successful MPs recognize that their ability to maintain their position as MP is inherently connected

to preserving and strengthening constituent connections. Doing so not only gives the MP a better understanding of constituents' wants and needs, it also gives constituents more confidence that their MP hears their voice and is working on their behalf within the legislature. What's more, while an MP may take action or make decisions at odds with the wants of their constituents, strong constituent associations allow the MP opportunities to explain their thinking and reasoning behind taking the action.

To build and maintain strong constituent bonds, MPs should make a concerted effort to hear and respond to constituents in a variety of settings and formats. In-person local town halls, virtual and online meetings, and conference calls are all important avenues for mass constituent engagement. MPs should also work to appear in local press outlets to speak to a broad audience on more parochial issues or to highlight their views on a particular issue or piece of legislation that is important to constituents. To facilitate effective constituent service, members, often with the support of their legislative and district office staff, should establish expectations and processes for responding to constituent phone calls and letters, including follow-ups for constituent casework requests.

Additionally, MPs should take advantage of the direct communication capabilities provided by social media networks. Platforms such as YouTube, Instagram, Facebook and Twitter provide MPs limitless opportunities to reach constituents in their own words instantaneously and free of charge. Finally, office newsletters may also be an effective means of updating constituents on legislative business, pertinent news stories and recent MP accomplishments.

### **3. *Value and Build Relationships***

Politics is a relationship-driven business. Reputations and first impressions are incredibly important. MPs who are known throughout the chamber as honest brokers are more likely to develop the necessary relationships for longstanding legislative success within parliament. MPs who are able to connect on a personal level with their colleagues—particularly when they are of different political parties—are more often able to build coalitions of support for their preferred issues and outcomes. At the very least, because it is harder to criticize someone whom you know personally, maintaining good relationships dramatically lessens the probability that opposing members will attack your actions or motives.

As a corollary, successful MPs recognize that politics and legislating is a never-ending pursuit. Today's opponents may be tomorrow's allies, and thus, maintaining constructive relationships with as many colleagues as possible only enhances the prospects of future collaboration and success. As such, the most effective MPs work hard to maintain their reputations within parliament as members who are serious about their duties and willing to work in good faith toward finding legislative solutions that represent the priorities and interests of the citizenry while balancing political realities. Such members understand that satisfying an immediate need at the expense of your reputation or words will severely lessen your long-term effectiveness.

Successful MPs with the best reputations are kind and honest in all of their legislative relationships, from fellow MPs to staff to security officials. Though time is often short, effective MPs are willing to explain their thinking to other colleagues and constituents. Perhaps most importantly, they are willing to listen to others—especially those with whom they disagree—and genuinely work to understand the personal and political circumstances that may affect their opposing stances and actions.

#### **4. *Prioritize and Delegate***

Because of the seemingly endless demands of their office, time will immediately become the most precious resource for MPs. Understanding their time constraints, effective MPs are proactive about itemizing their individual and office priorities. By triaging what policy issues and constituent needs are of utmost importance, MPs can then be more purposeful in how they spend their, and their staffs', valuable time.

To aid this periodization, MPs should host early and regular strategy sessions to identify key issues, policies and processes to help them accomplish their stated goals. Such sessions should include developing and improving internal office processes, refining scheduling and informational flows for the MP, and establishing measurable and attainable goals with which all members of the legislative office agree.

Further, successful MPs understand that delegation is a critical component of performing the many duties of their position. Underlying effective delegation is purposeful hiring, where applicable, and the establishment of clearly delineated roles and responsibilities for all who support the work of the MP and their legislative office. Members must be able to ask help of others—including colleagues, hired staff, volunteers, constituents and other legislature-provided resources—to aid their work, offer advice or suggestions for potential action, or provide expertise or insight on parliamentary or constituent issues.

Importantly, work prioritization and effective delegation also helps MPs maintain an essential work-life balance. Doing so not only allows members to be more effective in their roles as MPs, but also helps them sustain essential personal relationships and priorities that contribute to their happiness as private citizens.

#### **5. *Know Where to Get Information***

It is literally impossible for MPs to maintain expert levels of knowledge and information regarding all of the issues or processes that will come before them during their service. Understanding where to find essential information—legislative, political, procedural—is paramount to being an effective member.

Because of their legislative and representational authorities, MPs face no shortage of information providers. Academics, practitioners, special interest groups, bureaucrats and constituents are often more than willing to provide MPs and their office with issue-specific data and analyses. Many providers, however, come with partisan slants or agendas. MPs should work to identify trustworthy sources of information, both within and outside of the legislature, and be willing to engage them when more information would benefit the MP's decision-making. These sources can often expand an MP's informational capacity through written memos, informal briefings, policy papers and proposed legislative language.

To aid MPs and their offices, parliaments often maintain internal informational resources, such as legislative support agencies, that can offer nonpartisan expertise about policy topics and institutional procedures and processes. Support agencies also often offer member and staff trainings, briefings and resource guides. Successful MPs recognize the institutional memory and expertise housed within these support agencies and regularly lean on them for informational assistance.

## I. Introduction

*“We have a long-held belief that while elections are an essential cog in any democracy, it is the long, winding path of everyday governance by elected representatives that sets the tone and lays the foundation for effective government and trust between citizens and officials.”*

– U.S. Rep. David Price (D-NC), Chairman  
of the House Democracy Partnership

*“As the representative body of the people, legislatures are critically positioned to showcase national commitments and elevate the needs and concerns of constituents. You will never satisfy all your constituents, and sometimes you may not satisfy most of them. That is the beauty of—and trouble with—representative democracy. Democracies need constant maintenance and perfection, and you are playing a vital role in that process.”*

– U.S. Rep. Vern Buchanan (R-FL),  
Co-Chairman of the House Democracy Partnership

### A. Purpose of a New Member Manual

This manual offers guidance for legislators and staff in their onboarding and orientation to the legislature. Each section is designed to outline good practices for effective legislative operations and business, and offers guidance and directions for individuals conducting orientation. Each section lists contextual examples outlining practices in specific countries in order to offer a global perspective. Lastly, the manual suggests additional resources to support enhanced learning on the topics outlined at the end of each section.

Legislative institutions are foundational to good democratic governance. They are comprised of rules, internal organizations, procedures and traditions that provide the guardrails to democracies and help constrain behaviors that go against the governing ideals of a nation. Legislators are elected and chosen to represent the interests of citizens on a national stage. This requires a unique and critical set of responsibilities. Though all legislatures have their own guide of governing principles and procedures, legislators globally share the unique common roles of representing the citizenry, advancing laws that respond to the needs of their people and country, and contributing to effective oversight of the government and its ability to serve the interests of the nation.

Pursuit of these ideals does not come without great sacrifice. Lawmakers spend days, sometimes even weeks, away from their families and the comforts of home. Personal privacy is regularly forfeited in favor of being an accessible public official. Oftentimes, lawmakers work in polarized and divided environments. Lawmakers everywhere are challenged to balance the priorities of their party and government with the needs and interests of the citizenry. They often must make unpopular decisions. Political circumstances and events may derail their initiatives. A legislator’s job is to continue serving the mandate of the legislative institution, while balancing these at times conflicting priorities and decisions, in order to maintain effective service delivery and progress.

Because of these often-competing priorities and the job’s intense demands, serving as an MP can be a difficult, albeit rewarding, job. It is not uncommon for newly elected MPs to face a steep learning curve on the legislature’s customs, processes and procedures. Those newly elected have to learn the job as they do

the job. Many legislatures have guided orientations that support education and onboarding; international assistance partners and networks, including the House Democracy Partnership, offer resources and training for new and transitioning legislators across political systems and contexts. Being an MP is a complex, multifaceted job. MPs are simultaneously legislators, constituent service representatives, overseers of federal policies and competing branches of government, community liaisons, members of a political party, and bosses of their individual offices.

Legislators represent the institution and country at all times, both inside the office and at home. Therefore, the job requires careful planning, an understanding of ethical guidelines and protocols, clear and frequent communications, and the effective utilization of institutional services and professional, expert staff. MPs must regularly meet with advocacy organizations and constituents, develop policy, deliberate during plenary and committee meetings, and maintain effective oversight of executive actions, often all in the same day. Further, policy



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meet in Washington, DC. (NDI, 2019)**

accomplishment and superior constituent representation stems from an understanding of the country's legislative framework, its tools and procedures, and its internal structures. Thus, to be a successful MP, particularly early in their first term, one must be diligent and purposeful in setting personal and office goals, planning, hiring aides, and strategizing for success.

Laying out many of these considerations is the primary goal of this new member manual. To help MPs and their staff better understand their role, and more effectively perform the many essential tasks of their position, this manual provides a broad overview of lessons, recommendations and guidance for legislators on effective skills development and execution in the role of legislator.

Maximizing the productivity of legislators and their office operations goes a long way toward improving the quality and capacity of the entire institution. Citizens will be better represented, public trust in their lawmaking institutions will rise, policies will be informed by citizens' priorities, and governments will engage in more transparent and accountable implementation and service delivery. These are the objectives of representative government.

## **B. A Guide Meant for All Systems**

This manual is meant to provide general guidance to MPs who serve in a diverse set of legislative systems around the world, yet targeted enough in its recommendations to be applicable to a country's specific political circumstances. The guide is intended to be a resource for members across various systems—parliamentary, presidential, as well as unicameral and bicameral contexts—rather than tailored for a specific country audience.

In practice, this means that some information and recommendations presented will be conveyed generally so that it applies to as many democratic legislatures as possible.

This manual will also make use of visuals, including graphs and figures, to help represent key pieces of information. Moreover, each chapter will conclude with a series of questions to frame suggested approaches and important considerations on each subject. Each chapter will conclude with a summary of key takeaways, and include links to additional resources and guidance on the chapter's topics.

An important final note: this new member manual is not designed to be comprehensive in its information or recommendations. Instead, it is intended as a practical resource for recently elected MPs and their staff that outlines the many considerations and responsibilities that come with serving in parliament.

## **II. The Role of the Legislature**

Though they vary considerably in their country-specific organizational features, including their size, rules of procedure and lawmaking processes, legislatures around the world serve several common roles. First, as a body designated with certain unique powers, legislatures serve an institutional function, responsible for oversight of the executive and the maintenance of essential separation of powers between branches of government. Second, because its membership is made up of citizens who are elected to speak on behalf of their fellow citizens, the legislature serves a clear representative duty. Finally, drawing its legitimacy from serving as representatives of the people, the legislature is the principal lawmaking authority of the country.

### **A. Foundational Purposes of the Legislature**

#### **1. Lawmaking**

Perhaps the primary role of all legislatures is to serve as a country's principal lawmaking body. Democratic governments are founded on the notion that laws can only pass with the consent of the governed. Because the legislature is the embodiment of the country's values, the legislature is empowered with constitutional and statutory authority to introduce, debate and adopt legislative solutions to the country's collective pressing societal priorities and challenges. This policymaking authority is the source from which most of a legislature's actions and powers are drawn.

Most legislatures allow individual members to introduce bills on any matter, though countries vary considerably in which other governmental entities or actors maintain legislative authority. In some systems, like in Mozambique and Uganda, for example, which are both presidential republics, committees are able to introduce legislation for direct chamber consideration. For countries with presidential or semi-presidential and other hybrid systems of government, the executive's approval may be required for adopted legislation to be signed into law. In transformative legislatures, the parliament can adopt laws without the president's approval.

In many countries, an important extension of the legislature's policymaking authority rests in its constitutional power to override an executive veto. The threshold, or percentage of votes required to override an executive's veto, varies from country to country. Malawi, for example, requires only a majority vote, while Namibia requires that two-thirds of its elected lawmakers vote to override the president's veto.

Aside from adopting legislation, a final key component of a legislature's lawmaking authority is its commonly held power over the nation's budget. Though the executive is a considerable player in fiscal and budgetary decisions, most parliaments are the key decision makers in most matters relating to their nation's budget. Because of the pivotal impact of government funding on programmatic scope and outcomes, budgeting is generally viewed as one of the most important and effective means of affecting legislative outcomes.

The country's constitution, adopted laws and the standing orders of the parliament describe the particular procedures and processes for which the legislature considers legislation. As will be discussed in more detail in Section IV, the rules of procedure provide vital stability, predictability and impartiality for how the legislature debates and potentially adopts policies.

#### **2. Representation**

As the body most closely connected to a country's citizens, another central tenet of democratic

governance is that the parliament represent the needs and interests of these citizens within the legislature. As the only branch of government whose members directly represent smaller collections of constituents, the legislature is the most prominent governing body that offers citizens a voice in the national policymaking process. The body is made up of elected delegates, each of whom is charged with representing their constituents' concerns and wants within the chamber.

While sound in theory, representation in practice is often no easy task. In many instances, MPs face competing, sometimes conflicting, representational demands from their constituents, their political party and even the executive. MPs work tirelessly to aggregate, triage and balance these demands. Through their elected representatives, the will of the people is reflected and addressed in public policy debates and potentially legislative actions. The legislature, then, serves as the people's branch of government.

Through its internal organization, procedures and rules, legislatures provide the institutional setting for diverse views to be accessible and cordially debated. In this way, the parliament serves as an essential link between a country's citizens and their government. When citizens feel represented and enjoy meaningful mechanisms to voice their beliefs to entrusted representatives, they become more active and supportive constituents.

In their representative role, legislatures act as both the eyes and ears of citizens' concerns. Parliaments are not just conduits of information in that they relay that information regarding governmental actions to their more local constituencies. Instead, the legislature also serves as a repository of citizens' concerns filtered through elected lawmakers that are then included in policymaking debates.

Representative legislatures are also responsible for assuring that the diversity of the country is reflected in the plenary debates and legislative outcomes. Differences across a plethora of characteristics—ideology, political, religion, geographics, gender, ethnicity and age—are important considerations to be included in parliamentary debates and actions. Segments of the population without acknowledged voices within their legislatures are underrepresented. As a direct consequence of underrepresentation, the legitimacy of the institution, as well as citizens' trust, can suffer and be jeopardized.

### **3. Oversight**

A fundamental feature of nearly all democracies is a system of shared, even overlapping, powers between branches of government. While the executive is often an active participant in legislative debates, the legislature, as an independent and representative institution, sits at the heart of this system. Precisely because the legislature is the sole branch made up of representatives elected to speak on behalf of local and parochial interests, its responsibility is, first and foremost, to protect its institutional prerogatives and powers. Doing so is integral to the expectation that the will of the people is reflected in the actions of its most representative body. In this capacity, the parliament serves as a cornerstone of democracy.

Thus, no matter its partisan dynamics or internal organization, an essential task of the legislature is to provide a check on the power of the executive who may seek to centralize powers within the executive branch. In order to fulfill this institutional role, the legislature is entrusted with powers that ensure the executive does not overstep their enumerated rights outlined in a country's founding documents or ignore adopted statutes meant to limit the executive's rights, privileges and authorities.

In this role, particularly in newly established governments or those with histories of autocratic leaders, the legislature serves as a critical bulwark to authoritarianism. By performing its designated constitutional duties, the legislature ensures that the executive—or other governmental or nongovernmental actors—do not take advantage of a power vacuum. Even in parliamentary systems in which the executive is chosen by the legislature and enjoys no sovereign base of authority, protection of the legislature’s institutional powers and capacities is paramount to the country’s institutional and governmental validity.

The primary way a legislature carries out this institutional role as a check of executive power is through oversight of the executive branch. Executives, largely through their ministerial bureaucracies, regularly take an active role in the administration of laws passed by parliament. It is the legislature’s responsibility, however, to ensure that its adopted laws are administered legally, effectively, inclusively and according to the parliament’s legislative intent. For this to occur, a commitment to regular oversight is essential, even in instances where the executive is of the same political party or in times where the executive takes actions the legislature largely agrees with but does not have constitutional authority.

Oversight can take on many forms. It can be conducted through official investigations or informal communications. It can be ongoing and routine or can be reactive after accusations or evidence of wrongdoing have surfaced. No matter the methods, effective oversight serves as an important deterrent to waste, fraud and abuse on the part of the executive. An executive who trusts the legislature will fiercely defend its institutional authorities is far less likely to exceed their own.

More fundamentally, oversight of the executive is an integral component of nearly all democratic governments. Preventing a concentration of power within the executive branch safeguards the lawmaking and oversight authorities entrusted to the parliament, thereby increasing the legitimacy, longevity and stability of the entire governmental system.

## **B. Characteristics of Effective Legislatures**

Just as democratic legislatures share several common functions despite their country-specific differences, parliaments around the world also share four prevailing characteristics in their pursuit of effective governance: responsiveness, transparency, inclusion and accountability.

### **4. Responsiveness**

A principal goal of democratic legislatures is a high level of responsiveness. Rather than taking actions without public input, a responsive legislature actively listens and reacts to the needs of its people. Because they depend on their representatives to convey their concerns and wants in policy debates within parliament, citizens expect that they have opportunities for meaningful dialogue between them and their elected lawmakers.

Responsive parliaments benefit from regular and predictable interaction with their constituents. Policies introduced and debated are more representative of diverse societal opinions and, consequently, perceived as more legitimate because of their inclusiveness. Conversely, an unresponsive legislature is one that is so insulated from public opinion that the views of that country’s citizens are only of ancillary, rather than direct, concern. In these instances, citizens do not feel as if their needs or desires inform the actions of the legislature, and trust or confidence in the institution and its byproducts suffers.

Responsive legislatures are ones that not only have clear lines of communication with their citizens, but also communicate that those concerns are being heard. Responsiveness can mean that a new bill is introduced, or a committee calls a hearing to investigate a topic on which the public has expressed interest. Responsiveness can also be conveyed by answering constituent mail or simply returning a phone call to acknowledge that their opinion or view has been noted.

Notably, responsiveness does not guarantee legislative change. A legislature can be responsive to the demands of a country's populace, but be unable to forge a legislative solution that addresses the priorities of each constituency. In many instances, because of their intense workloads and competing representational demands, legislatures are unable to solicit and incorporate the specific views and policy preferences of each of their members and their particular constituencies. Additionally, parliaments must constantly weigh political considerations and constraints when deciding their preferred course of action, such as the amount of time left in the legislative calendar or other policy priorities that may be of more importance to constituents.

## **5. Transparency**

In order for constituents to maintain confidence in the legislature as an institution, it is paramount that its processes, operations and actions are transparent to the public. Legislatures have a responsibility to be open, honest and forthright in how they conduct business. A transparent legislature recognizes that its legitimacy relies on its citizens' ability to stay informed of its actions and those of its individual lawmakers. Thus, legislative transparency is critical to democratic accountability, trustworthy governance and the stability of governmental institutions.

Transparent legislatures provide interested citizens and stakeholders, including the media, access to timely and valid information regarding governmental activities and data. These activities include, but are not limited to, legislative text, voting decisions, committee hearings and testimony, governmental reports and memos, funding decisions, campaign finance information, parliamentary calendars, and lawmakers' financial disclosures. These pieces of information should be made available to all citizens, both in print and electronically (and in multiple languages, as applicable) for accessible citizen consumption.

Importantly, transparency can sometimes be at odds with privacy and legislative efficiencies. For example, elected officials may be able to reach compromises on controversial issues if they are confident their conversations remain private where citizens or news outlets cannot attribute particular stances to individual legislators. Because of their transparency constraints that require certain periods between introduction of legislation and voting, parliaments are also often constrained in how quickly they can vote on particular measures. Additionally, public accessibility to government operations, particularly with televised recordings of parliamentary actions, have been associated with incentivizing performative aspects of a lawmaker's duties as a means of appealing to constituents or promoting their personal brand.

## **6. Inclusion**

As the representative body of government, legislatures must work to ensure the priorities of all persons are recognized. It is especially important that marginalized communities, including women, ethnic and religious groups, LGBTQI+ persons, and individuals with disabilities, among others, have opportunities to engage in the legislative process.

To be truly inclusive, parliaments must build inclusivity mechanisms into all facets of operation and business, including through their lawmaking, representation and oversight functions. For

example, parliaments must ensure that individuals with disabilities have equal access to parliamentary services. Parliaments that implement accessible facilities, operations and policies represent the nation's commitment to ensuring individuals with disabilities have a seat at the table. Accessibility provisions include improving parliamentary communications by publishing documents in braille, by providing screen readers that make information more easily navigable, and by offering avenues for individuals to access parliamentary content through websites that offer tools for hearing, vision, and speech impairments. Likewise, structuring parliamentary facilities with accessibility provisions, including wheelchair ramps, handicapped bathrooms, and signposts that include braille, increase the participatory capacity of parliamentarians, staff and citizens with physical disabilities.

In addition to physical accommodations that improve access, parliaments should take care to utilize appropriate terminology and language when communicating about individuals with disabilities. Also, LGBTQI+ persons have long faced persecution globally. Parliaments have a role to play in supporting policies and raising awareness to these challenges. In many legislative institutions, including in the United States, the United Kingdom and across the EU, legislators have developed parliamentary caucuses and policies that recognize the rights of LGBTQI+ persons. These actions and more serve to protect and advance the human rights of persecuted persons in the LGBTQI+ community and beyond. A 2017 handbook<sup>1</sup> developed by the UN Development Program and Parliamentarians for Global Action outlines other measures that legislatures can take in line with their representative, oversight and lawmaking functions that improve the inclusion and representation of LGBTQI+ community interests in society.

## 7. Accountability

A final fundamental goal of democratic legislatures is that the institution and its members are accountable to those they represent. Lawmakers derive their power and legislative legitimacy from the public. Because of this dependence, MPs have a responsibility to be good stewards of their temporary authorities. To ensure high levels of good governance, and to deter potential corruption or malfeasance, it must be possible for citizens to hold lawmakers in positions of power to account for their missteps.

The goal of accountability necessarily depends on the previous two, responsiveness and transparency. For a citizenry to remain informed on the legislature's actions, they require that its operations and outcomes are transparent and publicly accessible. With this information, constituents can make a determination as to whether or not the legislature, or certain lawmakers, are being sufficiently responsive in their duties.



HDP Leadership Forum attendees discuss legislative openness during panel in Washington, DC. (NDI, 2019)

Should they fail to live up to the demands and expectations of their constituents, clear and available mechanisms to hold them accountable are imperative. These mechanisms must come with consequences that serve as strong disincentives for wrongdoing. As discussed in more depth in Section V, such mechanisms can be forums for public questioning, formal sanctions or censures, votes of no confidence, or expulsion from the body. As an example, U.S. Rep. David Schweikert (R-AZ) was investigated in the summer of 2020 following allegations of misusing campaign funds and filing inaccurate campaign finance reports. After reviewing the charges and evidence, the House of Representatives' Committee on Ethics issued a report and recommended to the chamber that Schweikert face a formal legislative reprimand and pay a fine of \$50,000.<sup>2</sup> Both penalties were agreed to. In a message of deterrence to fellow lawmakers following the chamber's actions in the Schweikert case, the Chairman of the House Committee on Ethics Rep. Theodore E. Deutch (D-FL) said: "If members take just one lesson from this case, let it be this: It is unacceptable for us as public officeholders not to think about our ethical obligations." Another example, U.S. Rep. Laura Richardson (D-CA) underwent investigation in 2012 for improperly using her official congressional staff to conduct campaign work and personal errands. A special investigative subcommittee led by Reps. Charlie Dent (R-Pa.) and John Yarmuth (D-Ky.) found that Richardson "acted to consume the resources endowed to her as a member for whatever purpose suited her whims at the moment, be they official acts, her re-election, or personal needs," Dent said in a floor speech. Following the official investigation, the committee advanced a privileged motion to the House floor, which included a formal reprimand of Richardson and a \$10,000 fine<sup>3</sup>. Richardson agreed to the panel's conclusions in a negotiated settlement and the motion was adopted by the House.

To exhibit and promote accountability, legislatures provide forums in which interested citizens can pose questions and file official grievances, and serve as informal avenues for lawmakers to explain their actions, such as community forums or town halls. In this way, accountability is a constant, ongoing effort on the part of the legislature and its members. For example, the parliament of North Macedonia maintains a Standing Inquiry Committee that receives citizen complaints of potential misdeeds on the part of the executive. These citizen-submitted complaints aid the parliament's ongoing oversight efforts of the executive branch.

Legislatures and MPs are not solely accountable to citizens. Because citizens often rely on third parties, such as newspapers and media outlets, to relay the many actions and stances of the legislature, its members must be answerable to those who seek information on the decisions and processes of the institution. Additionally, highly accountable legislatures are those that recognize investigatory and ethics-concerned entities as essential government watchdogs that contribute to the efficiency and effectiveness of the parliament.

### **Additional Introductory Resources**

- *Putting Parliamentary Self-Development into Practice*, Inter-Parliamentary Union
- *Parliamentary Ethics Committees*, Transparency International
- *Trust in Government: Ethics Measures in OECD Countries*, Organisation for Economic Co-operation and Development
- *Congressional Oversight Manual*, Congressional Research Service
- *Recommended Benchmarks for Democratic Legislatures*, Commonwealth Parliamentary Association

- *Parliament and Democracy in the 21st Century: A Guide to Good Practice*, Inter-Parliamentary Union
- “*Strategic Planning*,” Congressional Management Foundation
- “*90-Day Roadmap to Setting Up a Congressional Office*”, Congressional Management Foundation

## Key Takeaways

1. The three primary duties of all parliaments are to **make laws** on behalf of citizens’ and national needs, **represent** the interests of citizens within parliament, and provide an institutional check on the executive through **oversight**.
2. MPs may find these duties come into conflict with their personal, partisan or political goals. During such times, MPs must remain committed to supporting the institutional duties of parliament.
3. All parliaments should strive to be **responsive** to citizens’ preferences and **transparent** in their actions. Both are essential to maintaining **accountability** of government resources, programs and representative responsibilities, and improving public confidence in the legislature as a representative, legitimate and attentive body.

When putting together a New Member Orientation (NMO), a variety of formats can be used, including gathering at a remote location for a retreat-style overview along with all members, or a dedicated weeklong training period prior to the start of a new legislative session. Lengths of sessions will depend on the amount of information that needs to be covered and may include a combination of presentation or seminar-style lectures, in addition to moderated discussions. A few NMO speaker suggestions, as well as potential questions to guide these sessions, are provided below.

## Potential Orientation Speakers

- Former and current MPs, particularly those with reputations for institution-supporting public service
- Academics or practitioners who have solid knowledge of comparative governments and democracies. Such persons will be able to readily offer examples of good and bad governmental practices across systems and history
- Current or former committee staff who have recently conducted oversight document requests or investigations of the executive
- Media members or journalists who have a history of covering parliament, especially those who rely on government data and transparency to report. Investigative journalists may have particularly good insight regarding issues of transparency.

## Potential Orientation Questions

- What are the common challenges parliaments face in meeting their constitutional duties?
- How important are devoted resources toward parliament support offices and staff toward parliaments fulfilling their roles? Are there specific countries/legislatures that serve as models in this regard?
- What recommendations would you give to newly elected MPs as to their duties and responsibilities to the legislature and its place in the country’s system of government?
- In times when an MP’s personal goals come into conflict with the constitutional duties and responsibilities of parliament, how should they think about their role?

- In parliaments without a proven commitment to oversight, what can MPs/committees/parties/leaders do to incentivize oversight of the executive?
- In terms of being a responsive legislature, what are a few good practices for MPs to consider to foster direct communication with their constituents?

### III. Responsibilities of an MP

Lawmakers face an often-challenging set of responsibilities once elected to office. On one hand, by virtue of their lawmaking authorities, they become agents of policy change tasked with drafting and advancing legislation in response to the needs of the citizenry. On the other hand, legislators are also, and simultaneously, responsible for keeping a close accounting of the needs and expectations of those they represent, including ensuring citizens have access to government programs and services. Moreover, lawmakers are also tasked with maintaining effective oversight of the executive to ensure laws are implemented appropriately, effectively and according to legislative intent.

#### A. Lawmaking

The legislature is primarily perceived, by members and voters alike, as a lawmaking entity. Its main purpose is to generate laws that are informed by a balanced set of citizens' priorities. As such, members are expected to be active in all phases of the policymaking process and informed on all legislative matters. Important to note, it is unrealistic that members have the time or staffing capacity to be deeply involved in every legislative proposal on every issue. For this reason, it is so important for MPs to strategize, including with their staff and volunteers, on which issue areas the member and the office may pursue. By narrowing the set of issues on which to focus, the lawmaker is better situated to become a leading voice on those of utmost importance, thereby increasing their influence and participation within the institution on those subjects.

Typically, members decide to focus on policy areas consistent with their political and personal interests. From a political perspective, MPs generally concentrate on policies that are of primary significance to their districts, voters or political parties. In many cases, such issue areas are connected to individual budgets or local economic needs, which impact an outsized number of jobs within the district, for example, or that support the party organization. For instance, an MP who represents an agriculture-based constituency is likely politically motivated to pursue policies and initiatives related to farming, water rights and natural resources.

Many lawmakers also choose to devote time and office resources to issues that stem from a more personal interest or background. This may be because of the legislator's previous educational or occupational experience, such as a former teacher investing on issues of primary education. Or interest that can result from personal experience, such as a family member who suffers from a life-threatening disease, may propel an MP to seek out legislative solutions to investing in medical research. In either case, legislators should recognize their time constraints and identify a core set of issues on which they feel compelled to work on within their office. At the formulation stage, it is also common that the interested member consults with subject matter experts outside of the institution who are likely to be affected by the potential policy change. Such stakeholders may include academics, private and business entities, advocacy organizations, and practitioners.

## Legislative Champions Working to Influence Their Communities through Informed Policies

### ***Rongai Leakwara—Budget Champion, Centre for Enhancing Democracy and Good Governance (CEDGG), Kenya<sup>4</sup>***

Facing two challenges, as an individual with a disability, and a member of the marginalized Ilchamus community in Kenya, Rongai Leakwara became involved in budget work through joining the Centre for Enhancing Democracy and Good Governance “to help my community better organize and engage in county budget making processes.” She worked to ensure that her community’s needs were included in county annual budgets. Now she is called on to provide advice to a number of organizations, such as the Ilchamus Council of Elders. Government officials, media and research organizations also reach out to her for her opinion on development issues. In 2019, she was recognized by the Baringo County government as a community heroine for championing the rights of people with disabilities, women and the Ilchamus community.

### ***Ubagu Martha Amuche, Budget Champion, the Community Empowerment Network, Anambra State, Nigeria<sup>5</sup>***

“I wanted to make a positive contribution to the growth and development of my community, build a network of people with shared goals, and gain professional skills and experience to meet the demands of society.” Ubagu Martha Amuche’s advocacy work in partnership with the Justice Development and Peace Caritas framework helped improve service delivery at primary health care centers. By leading the #FixmyPHC campaign, the group was able to provide evidence of the need for better and more comprehensive services that convinced government to increase funding for the centers. Its effective monitoring of the funds budgeted in health and other sectors led to change and improvements in service delivery for citizens.

## ***Research and Drafting***

After a potential policy idea has been identified, the legislator moves into the policy development stage. During this period, the legislator or staffer may work with the institution’s drafting office, legislative library or research office, and other experts as applicable, to conduct a thorough review of existing laws and regulations that are connected to the issue. They may also conduct research on international models and good practices. Additionally, research is conducted on previous legislative efforts, both successful and unsuccessful, to gain a deeper understanding of the politics and policy nuances of the subject matter. Previously introduced and passed legislative text can often be used as a template or guide for subsequent legislative efforts.

The investment of time into policy research and outreach furnishes valuable insight into the proposed policy. It commonly results in suggestions of how to specifically draft legislation to ensure it is making an impact on the issues it seeks to address and is crafted in a way that helps ensure its eventual passage. For parliaments that lack a robust support staff or institutional resources, MPs may also lean on outside groups to assist in drafting legislation, such as civil society organizations (CSOs), watchdog organizations or policy advocates.

## ***Coalition Building***

Any successful legislative proposal in a democracy requires support from a large number of fellow lawmakers. A single lawmaker cannot pass a piece of legislation by themselves, and even the best, most researched and well thought out pieces of legislation may generate little legislative traction. That is why cross-party cooperation and engagement among different parties, factions and coalitions is crucial to building widespread support for proposed legislation. Lawmakers looking to advance a policy must seek support for their legislation—sometimes even before the policy is introduced—from a variety of political actors. This support can come from formal or informal meetings with fellow lawmakers and committees who work on the issue; briefings with officials within relevant government agencies or ministries; and via messaging and communications strategies that increase public knowledge and support for the proposal's solution. In each instance, the goal is to inform interested parties—both within and outside of the legislative body—of the legislation's intentions in an effort to bring aboard supporters, and ultimately member voters, who can aid the bill's passage.

It is also important to note that working legislation through the committee system is a key step in the legislative process. Committee processes are discussed in detail in Section VII.

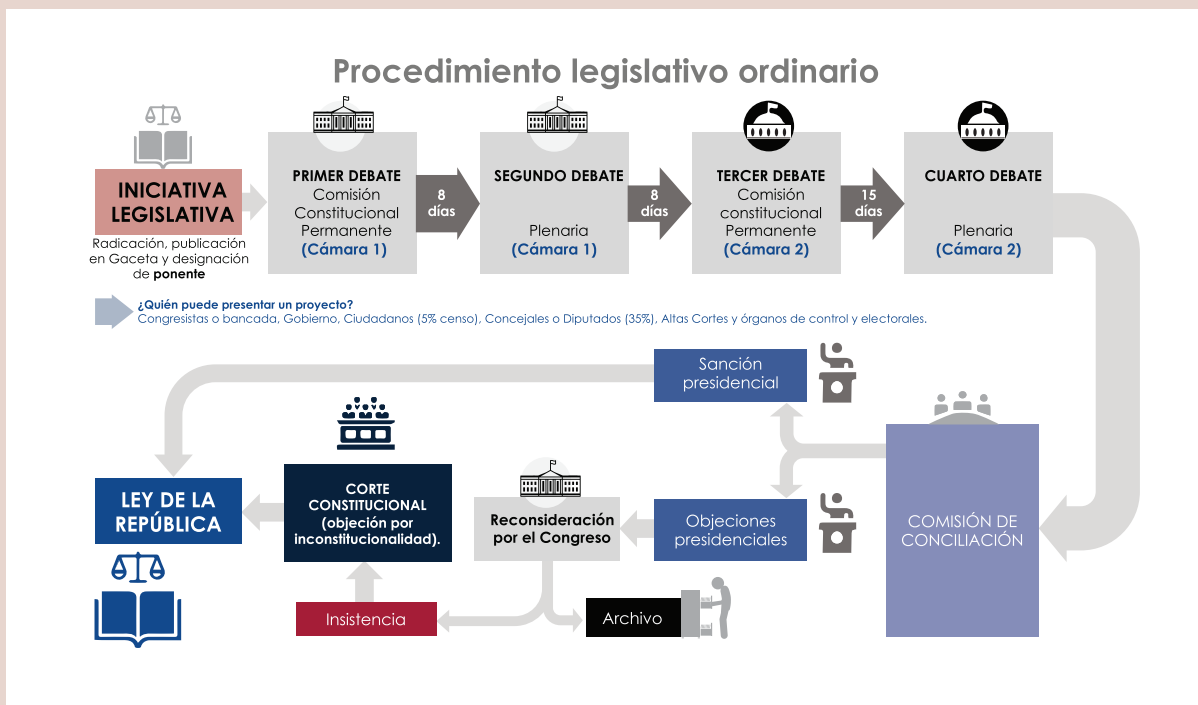
## ***General Lawmaking Process***

There is no universal way in which a bill becomes a law, given all nations' political actors have unique and specific roles and authorities based on their rule of law and practices. Each system has its own processes, procedures and traditions. However, a general lawmaking process that is widely applicable in a democratic system is as follows:

1. Identify issue, including outlining policy goals and objectives
2. Identify policy options
3. Research policy options, meet with interested stakeholders/experts
4. Meet with constituents, CSOs and advocates
5. Draft legislative proposal
6. Introduce measure within legislature
7. Bill is referred and discussed in committee—formal committee meetings and/or debates may commence
8. Bill is reported to full chamber where it can be debated further and/or amended
9. Vote within chamber or before full body
10. If passed, the bill is sent to any additional chambers where steps 6 to 8 may occur
11. If passed by the additional chamber, the bill is signed or rejected by the executive
12. Policy is implemented, overseen by the legislature

## Colombia: How a Bill Becomes a Law<sup>6</sup>

In Colombia, there are two types of laws that can be passed—ordinary and statutory. As it relates to ordinary legislative acts, each new proposal can be presented by a member of the Congress, the government, a total of 5 percent of citizens, or select other parties. Once the initiative is filed with the Secretariat and published in the *Gazette of Congress*, the initiative moves on to a series of two debates in each chamber: one with the Permanent Constitutional Commission (there are seven constitutional commissions in each chamber, and the bill review corresponds with the relevant commission according to the contents of the bill); and one with the full plenary. After approval in both chambers, the initiative passes to the president, who can sign the bill into law or object. If the president objects, Congress has the power to archive the initiative or insist on its passage. The chart below shows a detailed breakdown of the process to convert a legislative initiative into law.



## B. Representation

Legislators are responsible for representing the interests of the citizenry through informed legislative action and effective oversight. To be effective, they must engage in practices that ensure balanced and inclusive representation. In this role, MPs are responsible for not only recognizing the priorities of their particular constituency within the legislature, but also maintaining direct and open lines of two-way communications with their constituents so that both legislators and citizens can communicate with one another effectively.<sup>7</sup> This level of constituent contact is mutually beneficial.

From the constituents' perspective, good representation allows citizens to be heard on preeminent issues, and provides for timely assistance with matters the lawmaker has the authority to help address. For lawmakers, good constituent relations can help inform their decision-making within the halls of power, and engenders public trust in their ability to be a responsive and effective member of the legislature.

Parliamentary collaboration with civil society has increased exponentially in recent decades. More and more, citizens and CSOs are seen as partners in conducting effective legislative and financial oversight, as well as in the development and adoption of new laws and policies. With electronic platforms providing access for citizens to view parliamentary proceedings, debates and committee hearings, citizens can now more easily monitor how parliamentary work is being conducted in “real time” and respond more quickly to issues that arise. There are also more opportunities for citizens to submit briefs, petitions or questions online, and provide more points to intervene on issues of concern. As a result, leaders have a better understanding of the benefits of direct citizen engagement, as the opportunity for citizens to be heard contributes directly to greater trust in the legislative process and its outcomes. Many CSOs also have deep expertise on a wide range of policy issues, including issues impacting women and other marginalized communities. These groups may have unique and relevant data or monitoring reports on subjects of legislative review. This work can be of immense value to the development of informed policies. It is also valuable to legislatures that are resource-constrained and require additional support in data development.

It is important to note that public engagement may also be a result of a nation’s legal frameworks. Some parliaments have adopted public participation guidelines for parliamentary committees to hold public consultations on budgets and legislative changes. Others require that changes to law be made publicly available for commentary and review for a specified amount of time before being debated further. For example, South Africa’s 1996 constitution requires citizens to be consulted and/or participate in legislative decisions which affect their lives. South Africa broke new ground by granting a constitutional right to public access and involvement in the legislative process at all levels of its government in its first democratic constitution. In Ecuador, the rights of indigenous people to be consulted prior to legislative decisions that could affect their rights have been recognized and given constitutional protection.<sup>8</sup> Further, citizen participation is mandatory and not at the discretion of legislators. In Ukraine, parliament is considering a law that would mandate all draft policies be subject to public consultation before being adopted.

### ***Constituent Relations***

Good representation starts with good relationships between legislators and their constituents. Those relationships are built on purposeful and repeated engagements based on effective communication and dedicated listening.

In order to build trust with constituencies, legislators should seek to find ways to convey information about their activities and priorities. These actions are traditionally done through earned media engagements where a legislator will conduct television or radio interviews, speak with print newspaper reporters or place op-ed columns in newspapers. These engagements should be conducted with the audience in mind. For example, in communicating updates on legislation meant to help businesses create jobs, legislators should seek to understand the media outlets those business owners are watching and reading, and deliver their message accordingly.

Newer, nontraditional proactive avenues for communicating with constituency groups include social media and digital forms of communication. Seeking to “meet constituents where they are,” social media platforms allow legislators to communicate directly with constituents using a variety of tactics, including graphics and video. This may help explain or make accessible complicated issues for constituency groups. For example, a legislator might create a video explaining a recently introduced law where he or she explains its impact on the community.

Legislators can also often compile databases of email and physical addresses for electronic and printed newsletters, respectively. These newsletters, which may incur costs to produce and distribute, allow legislators to directly distribute information to constituents and provide a variety of updates on legislative and other efforts. In addition to costs incurred through newsletters, other paid communications efforts can include advertisements on traditional and social media.

Building relationships with constituents requires more than a proactive communications strategy. Finding avenues to listen and ensure constituency groups are effectively heard is just as important. Conducting regular public events, including town hall meetings where constituents are given the opportunity to directly question and engage with legislators, is an effective way to bridge the gap between legislators and constituents. These engagements can be held online as well, using social media and video platforms. This is particularly impactful in areas where populations are spread out and constituents may not be able to travel easily.

Over time, a comprehensive strategy of both communicating with, and listening to, constituents will ensure that the work being done by legislators is understood and informed by the very communities they are elected to represent.

### ***District/Regional Offices***

In many nations, lawmakers provide direct constituent contact through district or regional offices. These offices are oftentimes staffed with local constituent service representatives who are responsible for being informational and service conduits between the lawmaker and the community. The offices provide a space for engaged citizens and organizations to meet and hear from the lawmaker when they are in the area, as well as provide day-to-day resources for those looking to their MP for assistance with a particular problem or issue. Importantly, district and regional offices provide representation avenues for constituents that do not directly require the attention and service of the lawmaker themselves. This means that constituents can be heard and aided even when the lawmaker is not in the district.

For governments that do not fund or commonly use district offices, MPs may make use of other options to facilitate community engagement. In these cases, lawmakers have made use of mobile offices, including temporary or pop-up workstations and mobile vehicles outfitted with communications technologies. Additionally, lawmakers may seek to use office space and resources of local supportive political parties or public entities, such as libraries or community centers, to provide low or no-cost direct community outreach services.



**Parliamentary staff from Haiti, Kenya, Kosovo, Liberia, and Tunisia participate in program focused on district office management and constituent engagement. (NDI, 2018)**

## Offices Without Walls in Mexico

There are parliaments that lack the resources to provide MPs with a budget or office space to meet with constituents. However, there are a number of examples of MPs who have adopted innovative approaches to meeting with citizens and responding to their concerns. Patricia Flores, a former federal legislator from Mexico, used a van as a “mobile office” to meet with constituents throughout her district. She would set up her “office” on market days with a folding table and chairs to conduct meetings. It provided an opportunity for her to meet regularly with constituents to hear about their problems and challenges and provide advice in terms of government programs or services. In other situations, MPs will meet constituents in tea rooms or cafes or other public spaces, such as libraries.<sup>9</sup>

### *Casework*

One essential component of effective representation is service through constituent casework. At its core, casework is an attempt by MPs to solve constituents’ problems, whether it be frustration with navigating local or federal bureaucracies or the need to expedite travel documents. Other requests may include asks for economic assistance from the government, information on issues before the legislature or requests for increased investment in the district. In most instances, casework stems from constituents directly contacting a lawmaker’s office by phone, email, social media or in-person visits. In response, casework is often executed by hired district staff, though the lawmaker can get involved themselves or rely heavily on volunteers.

A great number of constituent requests simply cannot be accommodated. In fact, many requests are not within the purview of a national MP. For example, issues emanating from subnational governments (provinces, states, cities, etc.) will not fall within the jurisdiction of a legislator, but might fall within the jurisdiction of a subnational representative. This can usually be addressed by forging strong relationships with subnational governments to ensure that issues can be transmitted to entities with the authority to take action.

Regardless of a legislator’s authority to respond to casework, effective representatives and their offices keep a record of constituents’ requests and communications and make every effort to respond and assist. Doing so not only assists constituents with their governmental problems, but it also has been shown to be one of the most fulfilling aspects of a lawmaker’s job. As a result, constituent casework should be a priority for all members of the legislature.

### *Inclusive Representation*

Representation is not confined to particular constituencies, regions or even parties. In other words, representation does not have to be just substantive in that legislators should only consider themselves as agents for their constituents. Effective representation is also inclusive. Inclusive representation deals more with the personal characteristics of lawmakers and ensuring that their diversity is reflected and heard within the legislature. Racial, ethnic, religious, educational, physical and accessibility needs, socioeconomic, gender, occupational, and sexual identity differences are all key components of any constituency. It is also critical to consider the needs of individuals with disabilities, and other groups who are traditionally marginalized. The most representative legislatures are those that are made up of lawmakers who mirror the diversity of their constituencies. Without representation on these fronts, key

opinions and voices are left out of the policymaking conversation which has shown to have drastic impacts on the outcomes and quality of legislation passed by the legislature.

### Engaging Individuals with Disabilities through the Commonwealth Parliamentarians with Disabilities Network<sup>10</sup>

The Commonwealth Parliamentarians with Disabilities (CPwD) network was created to facilitate greater representation and inclusion of persons with disabilities within the parliament. The network addresses inclusion in all aspects of parliament, from accessibility of the legislature's premises, the prioritization of legislation regarding persons with disabilities and creating a broader political culture that encourages people with disabilities to seek public office. In addition to advocating for parliamentarians with disabilities, the network also works to sensitize other MPs on disability issues.

On the **Isle of Man**, a Commonwealth Parliamentary Association delegation monitoring local elections noted that the many polling stations were not accessible, highlighting the need for accessibility in all aspects of the democratic process.<sup>11</sup> CPwD has also hosted a number of conferences since its founding in 2017, including its first in Africa in October 2021 focused on guaranteeing the rights outlined in the United Nations Convention on the Rights of Persons with Disabilities.<sup>12</sup>

### Youth Participation and Inclusion in Parliament

Youth participation in the democratic process is central to ensuring that the government is representative of all groups in society. Youth have long been underrepresented in parliaments and in political systems, and according to the Inter-Parliamentary Union, make up a very small percentage of elected officials (2.6 percent). Many parliaments globally have adopted policies aimed at promoting youth inclusion in the legislature. In 2018, **Nigeria** lowered the age of eligibility to hold office to 25. The first election cycle following the change resulted in an increase of youth MP representation by 9 percent.<sup>13</sup> Youth quotas are another option for ensuring youth representation, and **Rwanda, Uganda, Morocco** and **Kenya** have implemented them for party lists at the national level. While quotas have worked to increase youth representation in parliament, they still tend to fall short of their targets.

### C. Oversight

One of the most challenging but critical responsibilities of a legislator's job is their duty to perform regular and effective oversight of the executive. Whether to expose waste, fraud and abuse within national departments or to ensure laws are being faithfully executed, oversight is key to effective democratic governance. Oversight methods available to legislatures vary greatly from country to country. However, many legislatures make use of several common mechanisms to execute legislative oversight of the executive.

Within the legislature, committees or investigative entities are regularly involved in audits of programs and agencies that fall under their jurisdiction. Oftentimes, reviews are statutorily prescribed in legislation through reporting requirements, which mandate ministries or departments submit reports back to the legislature as to the implementation and effectiveness of legislation. This is also a technique of **post-legislative scrutiny**, which refers to a set of techniques and mechanisms that can be executed by members that ensure oversight safeguards in legislative text. Specifically employed as legislation is being implemented, post-legislative scrutiny allows legislators to effectively assess whether a piece of legislation is supporting constituents as intended by the law's passage. To assist, executive departments employ

liaisons whose job it is to respond to voluntary information requests that come from committees who have questions as to how their bills are administered or implemented within an agency.

In their oversight pursuits, committees regularly hold hearings in which witnesses are invited to testify. Here, lawmakers are able to directly question witnesses as to their knowledge of behaviors and potential misdeeds. In many legislatures, these hearings are made public as a means of maximizing public attention to highly-salient investigations. When voluntary efforts are not successful, committees—or the parent chamber body—sometimes maintain subpoena power, which effectively allows committees to legally compel witnesses to produce requested documents or appear before the panel for a deposition or testimony. At the end of their investigation, it is common for the investigating committee to produce a report of its findings both for internal and public consumption.

Finally, legislatures also regularly use outside organizations or actors to aid them in their oversight efforts. Such organizations can be governmental, such as an accounting or audit agency, whose directives include to report back findings to the legislature for action. Or they can be completely independent of the legislature, such as investigative journalists or good-government, pro-transparency organizations whose mission is to root out corruption within government. Legislatures may also take advantage of semi-independent agencies, such as ombudsmen, inspectors general and independent commissions. There is no one way to conduct effective oversight, but the importance of effective oversight in building citizen trust in government institutions and building citizen trust in the policymaking process is not to be understated.

### ***Financial Oversight***

Financial oversight may take many forms, including participation by members in budget debate and review, pre-budget committee consultations with citizens to identify budget priorities, and commonly, post-budget meetings to inform citizens about the impact of budget measures. Legislatures also often have many resources at their disposal to conduct financial oversight, including government audit offices, legislative budget offices, lobbying or ethics commissioners, elections offices, anticorruption agencies, right to information offices, gender equality commissions, and national ombudsman offices, among others.

***Financial oversight committees.*** A financial oversight committee can play a key role in identifying gaps in programs and services for citizens and in strengthening public financial management practices. Annual committee sessions are typically held in which committee members are briefed in detail on audit findings through a presentation on annual national audits, including any findings of improper financial practices or recommendations for improvement. Committee members should also have the opportunity to probe any issues or areas of concern highlighted in the report. Planning the work for financial oversight hearings is generally a collaborative process between committee members from all political parties represented on the committee. Prior to any open hearings, members will commonly hold planning discussions to identify the topics of focus for questions for the sessions. As well, if the committee has the power to call witnesses, it should determine which should be requested to appear. Committees generally issue reports highlighting findings or issues uncovered during the hearings with recommendations for improved practices. Financial oversight committees should be able to operate independently and without interference by the executive.

***Supreme Audit Institutions.*** Supreme Audit Institutions (SAIs) are independent agencies tasked with overseeing the validity and usefulness of government expenditures. SAIs typically conduct oversight under either “compliance” or “performance”-based audits. The goal of a **Compliance Audit** is to determine if the revenues and expenditures authorized have been spent according to approved purposes. The focus of the audit is to assess if spending by government departments and officials has been in accordance with

statutory authority. The goal of **Performance Auditing** is to determine if citizens/taxpayers have received “value” for public funds that have been expended. In some cases, this may include reviewing whether government programs have met stated targets or objectives.

- While SAIs are independent of legislative bodies, for effective accountability to take place, recommendations and findings in their reports require attention and follow-up action by MPs. There are three primary SAI models incorporated in governments worldwide. The International Organization of Supreme Audit Institutions (INTOSAI) works to support and improve national audit practices by setting “good practice” standards and providing capacity building and support to national audit offices. Most national audit bodies belong to this organization.
- **Office of the Auditor General:** This model has the strongest link to the system of legislative or parliamentary accountability. Authorized expenditures from the annual accounts of each government department and other public bodies are assessed each year. In this model, the independence of the auditor general is generally guaranteed by legislative protections, such as requiring an act of parliament for removal. Reports are submitted to the parliamentary body for examination by a specified financial oversight committee, generally the public accounts committee. These reports are the principal focus of the oversight work conducted by the legislative body. Following the review, a report will be submitted by the committee with recommendations for any actions required to be taken by the government. Successive reports from an auditor general’s office will generally track what actions have been adopted by government departments in response to the recommendations to improve the issues identified in the national audit report. This permits committee members over time to evaluate if the recommendations have been implemented or ignored by government officials.
- **The Cours des Comptes/Court of Accounts:** Stemming from the Napoleonic legal system, this model of audit body is generally part of the national administrative court system and is independent of both the executive and legislative branches of government. And while reports will generally be submitted to parliaments, there is often no formal process for review and little, if any, interaction with the national parliament. Consequently, members do not have the same level of responsibility for financial oversight activities and may be required to spend little time, if any, on this area of parliamentary work. The principal distinction in this financial oversight model is that government officials, generally department accountants, will be held personally liable for any unauthorized or illegal payments. The national parliament will approve budget measures and it generally falls to ministry of finance officials to implement relevant spending in government departments. The Court of Accounts’ judges can approve the accounts or impose penalties or order other corrective action be taken. Consequently, the principal focus of the oversight review in this model is determining the legality of the financial transactions conducted by department officials, although it does appear that there is some movement to expand the scope of audit review. Because this model for financial oversight is set in a judicial process, rather than a parliamentary one, it lacks the transparency that exists with the scrutiny conducted by parliamentary committees. There is no direct interaction with the parliament. Countries that have adopted the Cours des Comptes model include Tunisia, Lebanon and Timor-Leste, among others.
- **The Board or Collegiate System:** This model of an SAI conducting financial oversight of government spending is based on collective decision-making by its members as a form of “college” or “board.” with consensual decision-making. Members are generally appointed by the legislative body which can raise concerns about the impartiality and the independence of the process, but the board is directly tied to citizens’ interests as their elected representatives have a role in the

budget process albeit through these proxy designees. In this model there is a direct link with the national parliament as the board will report to the legislature on its findings through a designated parliamentary committee, such as a Public Accounts Committee or its equivalent. These bodies may have broad jurisdiction for review of both central government and state-owned entities. One of the issues that has been identified with this model is the timeliness of its reporting given the requirement for consensus decision-making by members of the board. Indonesia's national Audit Board, first established in its 1945 constitution, is an example of this model. Members of the board are proposed by the executive, and undergo vetting and testing by a special committee established by the parliament. Other countries, including Germany, the Netherlands, the Republic of Korea and Japan, have implemented this model.

***Good Practices for Learning to Conduct Effective Financial Oversight.*** Reviewing government budgets can be a daunting task for newly elected MPs. If MPs are serving in a legislature that is part of an auditor general's system, or board through a collegiate system, having an opportunity to review audit reports with officials from that office is an important learning opportunity. In some countries, staff from the national audit office will assist members by providing training sessions to help them to better understand the audit process, read audit reports and assist with advice on framing effective questions. Also, members gain knowledge about the operation of government departments and government programs and services through participation as committee members. They can use this knowledge to develop oversight skills to evaluate the effectiveness of government programs and services. This process assists in assessing the impact of budget proposals, for example, on reductions in funding certain government programs or services. There may also be opportunities for MPs to participate in capacity-building sessions conducted by international organizations to help strengthen oversight skills. International parliamentary conferences also often include knowledge and skills-building sessions as part of the conference agenda. A strong relationship between the national audit office and financial oversight committees is an indicator of an effective public financial management system, and members have a key role to play through their committee work.

### **Sample Questions for Members Conducting Financial Oversight**

These are sample questions that the auditor general of Canada has developed as a guide for members conducting financial oversight.<sup>14</sup> These questions could be asked of government officials or officials from the national audit office.

#### **Examining Program Planning**

- What is the program's primary purpose?
- Are there alternative options for delivering this program? What are the strengths and weaknesses of these options?
- Is the program's overall direction clear? Are long-term commitments identified?
- What key results are expected from this program?
- How will progress be tracked?
- Are resources sufficient for program requirements?
- Is medium and long-term funding required to support this program? Is it committed?
- Have any evaluations of the program been conducted? If so, what are the results?
- Is there another option for delivering this program?

## Examining Program Delivery Issues

- Is the new program sustainable? Are there challenges to implementing the program?
- Is there a way to improve the effectiveness of the program to reduce the cost of its delivery?
- Are other programs or agencies involved in program delivery? Is the collaboration producing results?
- Have codes of conduct (if any) been respected in program delivery?

## Improving and Communicating Performance Information

- Is the program achieving the objectives that have been set? Are objectives in the expenditure plans being met? What were the most recent results?
- How do the results being achieved compare to results for similar programs in other countries or jurisdictions?
- Are there citizen groups or regions where the results have not met the objectives? What has been done to address these deficiencies?
- Are the measures used to report results clear? Is the evidence presented reliable?
- Does the information presented provide answers to questions about the program or the government department?
- What improvements are being planned for the program?
- Has the department or agency identified lessons learned from past performance or actions taken to address weaknesses or promote good practices?

## Additional MP Responsibility Resources

- *Parliaments Responding to a Pandemic: Lessons Learned for Emergency Planning*, House Democracy Partnership and Swiss Agency for Development and Cooperation
- *AGORA Portal for Parliamentary Strengthening & Development*, AGORA
- *Citizen Participation in the Legislative Process*, ParlAmericas
- *Putting Parliamentary Self-Development into Practice*, Inter-Parliamentary Union
- *Evaluating Parliaments: A Self-Assessment Toolkit for Parliaments*, Inter-Parliamentary Union
- *COVID-19: Delivering Parliamentary Democracy: A Toolkit for Commonwealth Parliaments*, Commonwealth Parliamentary Association
- *Serving As a Representative of the People: A Guide to Engaging Your Constituents*, International Republican Institute
- *Constituent Relations Manual: A Guide to Best Practices*, National Democratic Institute
- *New NDI Tools for Political Leaders in the COVID Era*, National Democratic Institute
- *“15 Tips For Being An Effective Legislator,”* National Conference of State Legislatures
- *Guidelines on Promoting the Political Participation of Persons with Disabilities*, Organization for Security and Co-operation in Europe

## Key Takeaways

1. MPs across legislatures share three fundamental responsibilities: lawmaker, constituent representative and overseer of the executive branch. While MPs face harsh time constraints while

in office, commitment to each responsibility is essential to the maintenance of a strong, healthy democracy.

2. Effective constituent representation and service necessarily depends on purposeful and repeated constituent engagement. To remain informed of constituent needs, priorities and preferences, MPs make use of all available communications channels, including social media, direct public outreach and events, newsletters and, where applicable, publicly accessible district/regional offices.
3. To assist their critical oversight efforts, MPs—mostly through formal committee processes—rely heavily on the expertise, data and information provided by independent offices and agencies. Audit offices, ombudsmen, anticorruption agencies and legislative budget offices, among others, collect, analyze and report valuable government information to parliaments regarding fiscal and programmatic outcomes relating to passed policies.

When putting together an NMO, a variety of formats can be used, including gathering at a remote location for a retreat-style overview along with all members, or a dedicated weeklong training period prior to the start of a new legislative session. Lengths of sessions will depend on the amount of information to be covered and may include a combination of presentation or seminar-style lectures, in addition to moderated discussions. A few NMO speaker suggestions, as well as potential questions to guide these sessions, are provided below.

### **Potential Orientation Speakers**

- Former and current MPs, particularly those with longer tenures who can speak to the institutional purpose of parliaments
- Former or current independent agency or office staff. These individuals can provide important insight into how their expertise and information is critical to a parliament's ability to conduct robust fiscal and programmatic oversight.
- Former or current members of CSOs that have a proven record of promoting or assisting gender-responsive lawmaking within parliaments.

### **Potential Orientation Questions**

- Can the three fundamental MP roles—lawmaker, representative and overseer—come into conflict with one another? If so, what are a few good practices for MPs to consider to minimize or alleviate the conflict? Is one role more important than the other? Why?
- What are some of the best ways for MPs to maintain strong connections with their constituents? What role does constituent casework play in being an effective and responsive MP?
- What type of information do independent offices and agencies provide to parliaments and how do they help committees perform their oversight responsibilities?
- What are the goals of gender-responsive lawmaking? What data or information is necessary to legislate in a gender-responsive way? What are common obstacles to parliaments gaining access to this data?

## IV. Rules of Procedure

As complex institutions made up of many members with competing interests, legislatures rely on rules of procedure (or standing orders/rules) to guide their functions. A legislature's rules of procedure provide an essential and mutually accepted framework for how business is to be conducted within the body. Standing rules also help codify acceptable individual and collective lawmaking behaviors and govern much of the day-to-day functioning of the legislative body.

A country's constitution or other founding documents often itemize specific parliamentary procedures or thresholds, such as the number of votes required to override an executive's veto. In most cases, however, the legislature—and sometimes the individual chambers—are responsible for establishing many of their own rules of procedure. Because rules of procedure are within the purview of the members and legislature themselves, each session's cohort of lawmakers are the ultimate authors, arbiters and enforcers of their own standing rules.

Although legislatures regularly evolve their procedures and processes according to political or societal developments, it is common for the vast majority of the chamber's rules to carry over from session to session. Political scientists say this carryover creates an instance of path dependence: that the rules of the current legislature are largely built on the procedural decisions and rulings of previous parliamentary sessions. Previously decided procedural questions, then, become precedents on which the current session relies for guidance. Procedural precedents are recognized authoritative references that are commonly cited for procedural rulings made by the legislature's presiding officer.

Additionally, it is important to distinguish rules of procedure from procedural norms and traditions. Rules are codified and catalogued within the standing orders of the legislative body. They can be enforced with points of order and procedural inquiries. Norms and traditions, in contrast, are widely accepted ways of conducting business that are not necessarily written down, and thus, not enforceable through procedural points of order. They are customs of how business is to be properly conducted within the chamber and what behaviors and actions befit an MP. For example, in the Kenyan National Assembly, the serjeant-at-arms enforces the standing orders and the speaker's rules and orders to ensure decorum and keep order in the case that members or guests are disruptive or not adhering to acceptable behavior.<sup>15</sup>

According to experts who have studied the successes and failures of representative democracies, adherence to a legislature's procedural norms is often just as important as adherence to its standing orders.<sup>16</sup> Procedural norms distinguish between acceptable and unacceptable member behaviors and actions based on what the legislature has come to expect of its own lawmakers, and equally to ensure lawmakers are upholding their responsibilities in line with the core tenets of the institution. Respect and obedience to a parliament's norms and traditions prevent the perversion or manipulation of available procedures for short-term political and policy expediency.

### A. Purpose of Rules of Procedure

In addition to providing clarity on how the parliament is to conduct its business, rules of procedure are important for several reasons.<sup>17</sup> First, codified procedures provide significant stability to chamber actions and member behaviors. They set clear requirements and schedules for chamber actions, which translates into increased chamber predictability and efficiency. A legislature without well-established or adhered to rules of procedure can quickly become overrun by ad hoc decisions, such as what bill should be put

on the floor, who can speak on a given issue and for how long, and how and what amendments are to be considered.

Second, and relatedly, rules of procedure can engender legitimacy of policymaking outcomes and institutional actions. Because procedures are established and accepted by all parties before legislative acts, lawmakers and constituents understand that approved institutional acts—lawmaking or otherwise—have been conducted fairly and in accordance with agreed-upon rules. This decreases the credibility of arguments that suggest legislative actions are the result of arbitrary abuses of power by a political party or individual parliamentarian.

Third, procedures typically assist in an essential division of labor within the parliament, and when applicable, individual chambers. Most parliaments have hundreds of legislative proposals introduced each year. As will be discussed in greater detail in Section VII, parliaments regularly make use of committees that divide the workload and create opportunities for lawmaker specialization. Committee jurisdictions, quorum requirements and rules regarding hearings and bill consideration are often found within the institution's rules of procedure.

Fourth, rules of procedure enumerate the powers and authorities enjoyed by the institution, individual chambers, political parties and individual lawmakers. In this way, rules codify the distribution of power within the legislature. More specifically, rules stipulate the rights and privileges held by body leaders, such as party, coalition and committee leaders, as well as the procedural prerogatives and protections of common members and those in the minority party.

Finally, established rules of procedure reduce the likelihood of conflict between members and parties within parliament. By detailing uniform appropriate member or institutional behaviors within established rules, inappropriate or unacceptable actions or behaviors become identifiable. For example, procedures dictate the length of plenary debate on an amendment or the order in which members can speak on the floor. Instead of acrimonious disputes on how these instances should be dealt with each time, accepted procedures provide clarity and predictability on what could otherwise easily devolve into conflict between legislators or parties.

## **B. Importance of Rules of Procedure**

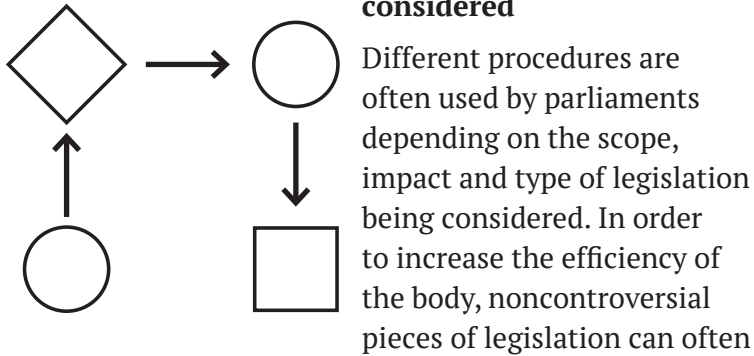
### **1. Procedures affect policy outcomes**

Rules of procedure provide the ground rules for the scheduling, consideration, debate and amendment of policy proposals within parliament. As such, how they are employed by members can have enormous impact on how policy proposals are advanced, modified or even obstructed at various stages of the policy process. Procedures can be used to broaden or restrict certain policy choices within a committee or on the floor, and can limit the amount of debate or amendment activity available to lawmakers. Put directly, procedures, and how and when they are executed by legislators, often shape policy outcomes.

Because of the intractable link between procedures and outcomes, lawmakers who are procedural experts are often best positioned to have more influence on the legislative process and the substance of legislation considered. Either by virtue of their institutional position—such as committee or chamber leaders—or because of their experience utilizing procedural tactics, certain members can have outsized impact on how and what bills are considered. By knowing the rules and how to use

them, a parliamentarian can better strategize their own legislative tactics as well as better anticipate the likely procedural maneuvers of their opposition. As famously put by the late and longtime U.S. Rep. John Dingell (D-MI), “I’ll let you write the substance [...] and you let me write the procedure, and I’ll [beat] you every time.”<sup>18</sup>

## 2. Procedures often dictate how bills are considered



be passed very quickly through the use of expedited procedures. On measures with broad agreement, debate and amendment activity is often limited and higher vote thresholds are required.

For more controversial measures, or those that enjoy less consensus amongst lawmakers, procedures can be used to increase time spent on deliberation, provide or restrict amendment opportunities, or prohibit the bringing of the bill to the floor altogether.

## 3. Procedures can protect members and parties

Importantly, procedures can be used as a form of protection for both individual lawmakers and political parties. Procedures make clear the privileges and authorities available to each member. By their codification, lawmakers secure their voting and procedural rights. In many cases, this is of vital importance to members serving in the minority party. Observed and established rules of procedure guarantee their views can be heard within plenary debate, committee work and in the record of proceedings.

Procedures can also offer a much different form of protection. On many occasions, legislators prefer not to be reduced to a binary “yes” or “no” choice as to whether they support or oppose a bill. It could be that their personal opinions differ from the wants of their constituents, that they do not have adequate information to make an informed choice or simply want more time to study a legislative proposal. In these instances, procedures can be used to stall, delay or fully obstruct a measure’s consideration. Through creative use of the rules, lawmakers can still show action on an issue without committing themselves to a vote. Specifically, many legislatures include provisions within their rules, the ability to create a commission to study a proposal and report on their findings. Also, rules often stipulate that a bill can be referred back to committee for additional hearings with outside experts, or the measure can be rolled into a bigger piece of legislation that includes several important issues, authorizations or programs in collective so that a lawmaker can reasonably defend their vote by saying the overall merits of a bill outweighed the potential deficiencies of the original proposal.



**U.S. Rep. John Dingell (D-MI)**  
**celebrates legislative win.**  
*(Photo by Chip Somodevilla/Getty Images)*

Key provisions within a chamber's rules of procedure may include information related to the following:

- The individual actions and conduct of elected members of the institution, including the powers and privileges of members of majority and minority parties and groups;
- The composition of members and inclusionary practices concerning hiring and overall representation of groups;
- Plenary and debate conduct and provisions;
- Agenda-setting provisions;
- Ethics and conflict of interests clauses;
- Political activities and funding;
- Independent budgetary authorities; and
- The establishment and operation of committees.

| Rules of Procedure from Select Parliaments         |                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Argentina's Chamber of Deputies</b>             | Outlines rules related to the Chamber of Deputies, the lower chamber of the Argentine National Congress. The rules outline specific powers afforded to deputies, including their impeachment authority, among other unique provisions.                                               |
| <b>Liberia's House of Representatives</b>          | Provides rules for the election of senior professional staff, such as the clerk, serjeant-at-arms and chaplain. Their responsibilities are later outlined, alongside the number of staff that are delegated to their offices.                                                        |
| <b>Malaysia's Dewan Rakyat</b>                     | Westminster-style system with a bicameral legislature. Rules outline responsibilities of the House and Senate, in addition to the responsibilities of leadership and MPs to question ministers of government and create parliamentary reports, among other procedural specificities. |
| <b>Assembly of the Republic of North Macedonia</b> | Allows members to submit requests for interpellation, which call any public official or member of the government to parliament for questioning. These are voted on by the full assembly before being formally ordered.                                                               |
| <b>U.S. House of Representatives</b>               | Adopted immediately after convening Congress, the rules offer a variety of opportunities for opposition members to challenge the legislative process, such as a motion to return a bill to committee from the floor.                                                                 |

### C. Role of the Keeper of Parliamentary Procedure

Given the complexities and intricacies of any legislature's rules of procedure, most parliaments employ a parliamentarian. (The term parliamentarian is used here in reference to the senior adviser of parliament who provides expert guidance on rules and procedures. This term is also used in reference to an MP.) Also known as a clerk or secretary general in some contexts, this individual provides expert advice to lawmakers and staff regarding the chamber's rules and processes. These senior appointed actors, and their deputies and assistants, are institutional experts who maintain authoritative familiarity with the chamber's legislative processes, standing orders, precedents and previous chamber rulings. In nearly all legislatures, these actors serve as nonpartisan and confidential advisers to all lawmakers and staff, regardless of institutional position or party affiliation; that is, they work for the legislature rather than any leader or

party, and their guidance is made available to each member. (This individual will be referred to as “keeper of parliamentary procedure” throughout this section.)

“We’re going to give the exact same advice to the next staffer or member that comes into contact with us, regardless of party, with that caveat that we will be respecting confidentiality.” — *Tom Wickham, former parliamentarian of the U.S. House of Representatives, 2012–2020*<sup>19</sup>

There are two primary ways in which these keepers of parliamentary procedure serve their advisory role. The most visible form of their guidance is as adviser to a chamber’s presiding lawmaker during the plenary session. In this role, the keeper of the parliamentary procedure offers direction to the chair as to the appropriate course of action. This guidance can be the correct ordering of legislative actions; the correct phrasing of statements or retorts regarding points of order or procedural inquiries; and recommendations as to what lawmaker actions are appropriate or in order at a given time. This keeper of parliamentary procedure’s guidance can be offered to the presiding officer verbally or in writing depending on the circumstances. In many legislatures, the adviser—or one of their designated deputies—is readily available to the presiding officer while legislative business is being conducted on the floor.

The second most common form of keeper guidance is through private meetings with individual lawmakers and staff concerning the chamber’s rules and processes. In this way, enterprising lawmakers and staff seek out the keeper’s advice to help guide their legislative strategy within the chamber. For example, lawmakers who are planning legislative initiatives often confer with the chamber’s keeper of parliamentary procedure prior to the bill’s introduction in order to gain a better understanding of potential procedures that are available to proponents and/or opponents that may impact the measure’s consideration. Or, staff may preemptively consult the keeper of parliamentary procedure as to what precedents or points of order may be applicable in a given circumstance in an effort to speed up or delay legislative proceedings. Finally, lawmakers may privately seek the opinion of the keeper of parliamentary procedure regarding how they may interpret a precedent or previous ruling in a given situation so as to plan a course of action that is most likely to receive a favorable ruling from the keeper of parliamentary procedure on the floor should the situation arise during plenary debate.

Depending on the parliament, the work of keepers of parliamentary procedure often goes beyond offering expert procedural advice. In their capacity as institutional experts, these keepers or parliamentary procedure are responsible for compiling, maintaining and making available the rules and precedents of the chamber or legislature to lawmakers, staff and the general public. Additionally, in some legislatures, the keeper of parliamentary procedure may assist or provide recommendations as to the referral of bills to standing committees based on their interpretations of the introduced measure and the defined jurisdictions of committees. In Westminster parliaments, however, bill referrals typically occur by way of a motion adopted by the chamber.

Notably, because they are institutional rather than partisan staff, keepers of parliamentary procedure are generally not empowered to make binding decisions for the legislature. Instead, keeper rulings are best thought of as expert recommendations for the members of the chamber or legislature to consider. Typically, the keeper’s recommendations are followed, but most legislatures allow members to appeal the rulings of the chair, including instances in which the ruling was given after consultation with the keeper.

## Additional Rules of Procedure Resources

- *Robert's Rules of Order*, Robert's Rules;
- *Parliamentary Procedure, a Legislator's Guide*, National Conference of State Legislatures
- [The Legislative Process: Overview \(Video\)](#) | Congress.gov, Library of Congress
- [National Association of Parliamentarians](#)

## Key Takeaways

1. Rules of procedure provide a framework for how business is to be conducted within parliament. A country's constitution may specify some procedures for the legislature. Most parliaments grant each chamber the authority to adopt their own rules of procedure.
2. Understanding the chamber's rules of procedure is important for MPs who wish to maximize their legislative influence. A chamber's procedures not only dictate how legislation is to be considered by the body, but also specify the amount of time a bill is to be considered and which MPs and when amendments are in order.
3. Secretaries general are employed by many legislatures to provide nonpartisan expert procedural guidance for MPs and their staff. Secretaries general also maintain and compile the chamber's precedents and provide recommendations regarding procedural questions to the chamber's presiding officer.
4. Rules of procedure are different from parliamentary custom or tradition. The former are codified processes that are subject to points of order. The latter are informal practices that speak to MPs' proper behavior or legislative procedures that are enforced only by member adherence. Commitment to both is essential for high-functioning parliaments.

When putting together an NMO, a variety of formats can be used, including gathering at a remote location for a retreat-style overview along with all members, or a dedicated weeklong training period prior to the start of a new legislative session. Lengths of sessions will depend on the amount of information to be covered and may include a combination of presentation or seminar-style lectures, in addition to moderated discussions. A few NMO speaker suggestions, as well as potential questions to guide the sessions, are provided below.

## Potential Orientation Speakers

- Former and current MPs, particularly those with reputations for mastery of rules of procedures. Parliamentary leaders are typically procedural masters.
- Former or currently parliamentary secretaries general (or parliamentarians). As keepers of procedural precedents, secretaries general can offer insight into how procedures affect chamber business as well as provide technical advice for new members to learn the difficult language of procedures.
- Former or current parliamentary floor clerks or secretaries. Such individuals have spent hours on the chamber floors observing procedures in action. Consequently, their observations may yield colorful examples of times in which procedural maneuverings altered the fate of legislation on the floor.

## Potential Orientation Questions

- Why is it important to become familiar with the parliament's rules of procedure?
- What information can the parliament's secretary general provide to members and their staff? Why is this information important?
- How can rules of procedure be the difference between legislative success and failure? What can MPs do to strategize procedural tactics on an important bill coming up for consideration?
- What are the differences between rules of procedure and parliamentary norms? Why are both essential? And what are the best ways to enforce adherence to procedural traditions?
- How do rules of procedure protect individual MPs? How can they be used to protect political parties?

## V. Ethics in Parliament

The legitimacy of a country's parliament fundamentally rests on member and staff adherence to ethical and professional standards. Confidence in parliament, its members and its actions is severely undermined when citizens believe their elected representatives are motivated by personal interests above those of the public and the country. Members who engage in unethical or corrupt behaviors weaken the public's trust in their legislature, a cornerstone of good governance.

Parliaments play an essential role in promoting ethical behaviors by their members and maintaining high standards of integrity in their processes. Clearly established parliamentary ethical standards improve accountability by providing citizens understood expectations for how their elected representatives are to act within the legislature. Accepted ethics standards also contribute to a more effective, inclusive and productive work environment by defining acceptable and respectable behavior from each of the legislature's elected members and staff.

Ethics laws, limits and expectations are specific to each country and parliament. As such, it is essential that each MP not only acquire their legislature's ethics-related information, but also seek advice from internal ethics experts on any questions or concerns they may have. Additionally, MPs should attend all ethics-related briefings and training sessions offered by their parliament to ensure they are in compliance with ethical standards.

### A. Key Ethics Instruments

Countries rely on a variety of instruments that itemize, explain and specify ethical behavior for MPs. The most common sources include:

- a. **Founding Documents:** A country's founding documents, primarily its constitution, often enumerate ethical requirements and standards for government officials, including MPs. Most commonly, the country's constitution sets the upper limits of acceptable behavior by stating the most extreme ethical violations, such as treason or financial corruption. It also typically specifies the process for the institution to judge its membership on ethical violations, and includes the penalties available to the institution to impose on those found guilty, which may include censure or removal.
- b. **National Laws and Regulations:** To better define a country's ethics requirements and standardize penalties, nearly all countries have adopted numerous ethics laws and regulations to regulate the conduct of their MPs. These laws generally itemize what is legally required by members with regard to financial disclosures, conflict of interest declarations, and behavioral standards and limitations. Reliance on such a legal framework is important because it subjects MPs found in violation of ethics laws to the criminal system. That is, violators can be prosecuted for their ethics-related crimes and face civil penalties that may include, depending on the specific infraction, monetary fines and incarceration.
- c. **Member Behaviors and Actions:** Nearly all legislatures have written and adopted a code of conduct, which may also include a separate code of ethics, each of which govern the actions and decisions made by legislative actors to ensure they are in accord with public resources and interests.
  1. **Codes of conduct** are written specifically for the legislative context and establish clear principles outlining the actions of MPs and staff to ensure they are acceptable under the auspices of public service. For example, codes of conduct outline behaviors inside and outside of the chamber, and

articulate the rights afforded to each member, including limits on speech.

2. **Codes of ethics** codify regulations related to member and staff behaviors, such as the use of public resources, the acceptance of gifts or finances, financial conflicts of interest, lobbying, and support to other offices of government. Many codes of ethics also establish the processes for how the chamber is to hear, investigate and respond to potential violations.



HDP hosts exchange between the Parliament of Kenya and former staff of the U.S. House Ethics Committee to discuss strengthening ethics frameworks. (NDI, 2019)

It is imperative that every MP obtain their country-specific code of conduct or code of ethics, and familiarize themselves with its contents and expectations.

- d. **Parliamentary Rules of Procedure and Other Institutional Frameworks:** To further supplement the above resources, many chambers often rely on additional intra-parliamentary frameworks to guide their members' conduct. The legislature's rules of procedure may contain behavioral considerations specific to the chamber. For example, the rules establish the rights of speech granted to MPs. Important for MPs serving in bicameral legislatures, the rules and processes specified for one chamber may not be directly applicable to members within the other chamber. Additionally, legislatures that maintain internal ethics investigations groups or committees often maintain their own resources regarding their jurisdictions, practices and methods for inquiry, which are outlined in separate ethics regulations and laws.

## B. Key Ethical Considerations

Legislatures use a variety of tools and requirements to minimize corrupt behavior and identify potential conflicts of interest.

- a. **Assets and Interests Disclosures:** With few exceptions, MPs (and oftentimes, members of their families) are required to make several financial and personal interest disclosures. The most common type of disclosure is a declaration of assets. This financial statement itemizes an MP's assets and may include lists of owned and mortgaged property, stock holdings, business assets and loans, outside compensation, and previously filed tax returns. Financial disclosures are an essential corruption deterrent because they allow public scrutiny of an MP's financial holdings that can be judged against the member's actions within the legislature that may result in improper personal financial benefits. A second commonly required disclosure is a registry of private interests held by the MP. Private interests may include business ownership agreements, seats on an organization's board of directors,

or adviser or consultant relationships that may or may not include compensation. Cataloging such interests helps ensure that MPs' private interests do not influence (or appear to influence) their behavior or judgment within parliament.

In some systems, senior parliamentary staff and their families must also file financial disclosures.

- b. Parliamentary Resources, Allowances and Expenses:** MPs are often beneficiaries of internal parliamentary resources, such as staff, technology, mailing privileges, transportation and allowances for office supplies. To ensure the proper use, spending and accounting, parliaments maintain rules about acceptable use of provided official resources. The legislature often stipulates that any parliamentary resources can only be used for official government purposes, and thus, cannot be used for an MP's personal benefit, including campaign activities. Each legislature has specific rules and requirements regarding the proper expensing, documentation and reimbursement of government or parliament-provided (hence official) funds. Further, the parliament's rules of procedure detail the appropriate management, allowances and limits on non-monetary resources, such as hired staff and office technology resources. Parliaments often regulate member and staff travel, including international travel, travel to and from a member's district, and travel allowances to ensure that official funds are not used for the personal benefit of individual members or offices. Similar regulations can be placed on gifts to ensure the same.
- c. Personal Relationships:** Many legislatures have adopted rules and restrictions regarding the types of relationships MPs are allowed to have with special interest groups and lobbyists. These limitations may include: how often and where MPs may meet with lobbyists; maximum contribution limits, including non-monetary in-kind contributions, such as free meeting space or tickets to a local event; and limits or prohibitions on exchanging political favors (passing certain legislation, for example) for goods and services provided by the lobbyist. Many parliaments have also adopted laws that limit the ability of former MPs to lobby their former colleagues and institution.

## C. Ethics Monitoring and Enforcement

Just as each country and legislature has their own ethical standards, requirements and laws, every country and parliament has their own specific methods to promote, investigate and enforce ethics matters.

### a. Investigatory Bodies

Countries have established a range of bodies to investigate and enforce charges of ethics violations and corruption within parliament. Some legislatures rely solely on internal regulatory systems and ethics bodies. Others outsource ethics regulation to outside entities. Most parliaments use a combination of both internal and external investigatory bodies.

- 1. Internal Mechanisms:** The most commonly used internal body used by legislatures is a **special or standing ethics committee** made up of MPs. Though they vary considerably from country to country in their processes, authorities and jurisdictions, ethics committees are responsible for receiving or hearing ethics complaints made against an MP, investigating the ethics charge, and making recommendations to the full chamber as to any sanctions or punishments if evidence supports. These committees, using a peer-accountability model, help to build trust between the legislature and constituents and help incentivize ethical behavior.

## Georgia's Council of Ethics

House Democracy Partnership (HDP) partner country Georgia established an MP Code of Ethics in 2018, part of which established the Council of Ethics to oversee the implementation and enforcement of these standards. According to the code, the council is led by two co-chairs, one from the ruling party and the other from the opposition. Under the code, members of the ruling party cannot obtain more than half the number of seats on the council.<sup>20</sup> In June 2021, the number of members of the council was increased from eight to 14 to accommodate the political diversity of the chamber. The rules regarding council composition reflect the need for consensus decision-making when it comes to ethics matters; MPs thus avoid using the council for political purposes.<sup>21</sup>

Some countries' ethics committees can impose penalties without a vote of the full chamber. Ethics committee memberships are typically representative of parliament in terms of political party balance, though some committees, such as the U.S. House Ethics Committee, ensure an even number of members from the majority and opposition parties. Such a format ensures that decisions made by the committee must be consensus driven and receive the vote of at least one opposition party representative. Ensuring neutrality, objectivity and multi-partisan balance are critical tenets of effective internal ethics mechanisms and ensure that the work of such bodies is not politically motivated.

In addition to an ethics committee, the legislature may also make use of additional internal bodies to promote ethical member behavior. These may include ad hoc committees or task forces, often established by the chamber's leadership, to investigate individual charges, or independent and nonpartisan offices that receive and investigate anonymous ethics complaints made against members by colleagues, staff, and in many cases, the public. Few legislatures have created an inspector general within parliament who maintains the authority to monitor and investigate potential wrongdoing.

- 2. External Mechanisms:** Most legislatures rely on independent, external bodies to investigate misconduct and enforce compliance within the chamber. External bodies and their work can be perceived as more credible because they are removed from the partisan and political dynamics of the legislature investigating its own members. In many cases, such as in Norway and Sweden, this work is tasked to an **independent commissioner** (or boards of commissioners) with extensive experience in ethics matters. Also commonly referred to as **ombudsmen**, such bodies receive ethics complaints, maintain investigatory authorities and often make sanction recommendations to the legislature (or appropriate parliamentary committee) if they deem it appropriate.

## Parliamentary Ombudsmen in the Swedish Parliament

In the Swedish parliament (Riksdag), four Parliamentary Ombudsmen (JO) are appointed by MPs with the mandate to investigate complaints from citizens regarding government misconduct. While initially formed in 1809 as a means to punish wrongdoing, throughout its history the JO has shifted toward an advisory role. The JO is unique in the wide scope of its duties; for example, it plays a significant role in overseeing the judiciary, ensuring that the rule of law is being carried out fairly. In addition to receiving complaints, the JO issues efficiency audits, evaluating government spending. The JO has a wide range of powers, including the ability to issue advisory opinions, report civil servants, recommend legal changes to the Riksdag or initiate legal proceedings against officials who have committed a criminal offense. All four ombudsmen report directly to the parliament.<sup>22</sup>

For more serious charges of fraud and corruption, **law enforcement** often becomes the lead investigatory and sanctioning entity. In such cases, the legislature typically refers received complaints (and any materials collected during their investigation) to the appropriate authorities. MPs investigated by law enforcement are subject to their country's civil and criminal processes and penalties.

Finally, while they have limited means to officially punish ethics violators, the **media** is considered an essential external entity that promotes ethical behavior by MPs. Through document searches, interviews and monitoring of day-to-day member actions, the media is often the first to expose corruption or abuses of power within government and parliament. It is not uncommon for ethics committees and/or commissions to use media reporting on alleged violations to guide and inform their own ethics investigations.

## Role of Media Scrutiny and Parliamentary Monitoring in Strengthening Legislative Accountability

**Media outlets** are critical to ensuring parliamentary accountability and integrity. In 2020, the Balkan Investigative Reporting Network reported documents showing that a year prior, **Kosovo's** Ministry of European Integration paid €168,000 (\$196,000) to a French firm to promote "territorial modification" as a solution as part of the country's dialogue with Serbia. Because the contract the government made with the firm was not procured through a public and competitive bidding process, it was determined to be an abuse of office. As a result, the minister overseeing the deal was indicted by a special prosecution.<sup>23</sup>

In addition to traditional media outlets, **parliamentary monitoring organizations (PMOs)**, also known as "watchdogs," play an important role in monitoring legislative activities and tracking potential violations by individual legislators. Watchdogs can provide avenues for transparency into the actions and behaviors of MPs and help citizens hold them accountable accordingly. In West Africa, PMOs have long worked to push for accountability and transparency in legislative operations and business. Recently, the Ghana Center for Democratic Development (CDD-Ghana), a leading think tank in the region, developed a formal network of PMOs—the West Africa PMOs Network—which includes prominent PMOs from the region. The network aims to share innovative ways of documenting, assessing and conducting research of parliamentary performance in countries across the region. This serves to exchange guidance and build effective models for legislative accountability, transparency and integrity.<sup>24</sup>

## **b. Penalties**

An important component of ethics enforcement is the threat of disciplinary sanctions for MPs found guilty of ethics violations. Legislatures typically maintain a range of potential penalties which allows for the application of sanctions proportionate to the severity of the infraction. Depending on the specific ethics framework within the country and the specific transgression, punishments can be issued (or recommended) by a variety of entities, including internal ethics committees, independent commissions, ombudsmen or law enforcement.

Below are some commonly issued disciplinary sanctions issued by parliaments and external bodies for members found to have violated ethics laws:

- Warning, verbal or written;
- Official legislative reprimand, including censure;
- Removal from parliamentary committees;
- Reduction or suspension of parliamentary resources, including travel and office subsidies
- Reduction in compensation in the form of:
  - Monetary fine, penalty, and/or repayment
  - Withholding of future salary
  - Salary and/or benefit reductions
  - Pension reduction and/or elimination of pension eligibility
- Demotion and/or removal from positions of standing (leadership positions or committee chairmanship);
- Suspension or temporary dismissal from office; and
- Impeachment and/or dismissal from public office, which may include prohibition from holding future office.

For more severe infractions, particularly those involving criminal abuses of power or corruption, law enforcement and the country's court system become the primary sanction and penalty issuers. Violators found guilty in a court of law are subject to the country's criminal code and processes, including its sanctions, which may involve asset forfeiture and imprisonment.



## **D. MP Rights and Protections**

To ensure fair treatment in ethics inquiries and procedures, most countries provide specific protections to public servants and those charged with ethics violations. In many parliaments, for example, certain member speech is protected within their founding documents and rules of procedure. MPs, as citizens, are also entitled to certain legal protections, such as the right to legal redress and right to counsel should their cases be brought before the courts.

For MPs charged with ethics infractions, it is common that the charged member be allowed to present their case of defense prior to any disciplinary action being imposed. Additionally, charged MPs are often entitled to any documents, evidence or findings procured by the appropriate ethics body relating to their case following the completion of the investigation.

Members found guilty, and against whom sanctions have been imposed, are often entitled to the right to appeal. Which entities hear the MP's appeal depends on the specific charge and disciplinary action issued. For criminal charges, appeals are most often heard by the country's appeals court system. For civil service infractions, some parliaments make available internal appeals bodies, including the chamber's ethics committee, political or chamber leaders, or ad hoc commissions. Other parliaments rely on established external special appeals entities, such as the United Kingdom's Civil Service Appeal Board, which hears appeals from disciplined civil servants.

### Additional Ethics Resources

- *Codes of Conduct for Parliamentarians: A Comparative Case Study*, King Prajadhipok's Institute/UNDP Regional Center Bangkok
- *Background Study: Professional and Ethical Standards for Parliamentarians*, Organization for Security and Co-operation in Europe
- *Trust in Government: Ethics Measures in OECD Countries*, Organisation for Economic Co-operation and Development
- *House Ethics Manual*, Committee on Ethics, U.S. House of Representatives

### Key Takeaways

1. Clearly defined ethical standards are essential for an inclusive, accountable and productive parliament. Members are responsible for strict adherence to their legislature's written codes of conduct and codes of ethics.
2. While ethics standards are country specific, nearly all parliaments require each MP to regularly submit financial, asset and relationship disclosures. Such disclosures minimize the likelihood (or appearance) that private considerations influence a member's actions or judgments within parliament.
3. Most parliaments have established multiple internal and external bodies to investigate charges of ethics violations. These bodies can impose a variety of potential penalties—from monetary fines to expulsion from the chamber—on MPs found guilty of ethics breaches.

When putting together an NMO, a variety of formats can be used, including gathering at a remote location for a retreat-style overview along with all members, or a dedicated weeklong training period prior to the start of a new legislative session. Lengths of sessions will depend on the amount of information that needs to be covered, and may include a combination of presentation or seminar-style lectures, in addition to moderated discussions. A few NMO speaker suggestions, as well as potential questions to guide these sessions, are provided below.

### Potential Orientation Speakers

- Former and current MPs, particularly those who have served on ethics investigation panels or committees.
- Former or current officials who have investigated charges of ethics violations. Outside-parliament investigators, such as journalists or staff from parliamentary monitoring



organizations, can provide valuable insight into the process and timeline of common investigations, as well as recommendations for how MPs can eliminate appearances of impropriety during their service.

### Potential Orientation Questions

- Where can newly elected MPs find codes of conduct and codes of ethics? Who can they reach out to concerning questions of ethics?
- Why are disclosures (financial, relational, etc.) so important? How do they contribute to a more accountable parliament?
- What rights do individual MPs have when faced with charges of ethics violations? What can they expect in terms of the process of investigating the charges made against them?
- What are good practices for members to keep track of official parliamentary expenses?



IRI hosts seminar on new member orientation and ethics practices in Erbil, Iraq. (IRI, 2021)

## VI. Women's Representation and Gender Mainstreaming

Gender mainstreaming, as it relates to legislatures, encompasses strategies and techniques designed to advance gender equity and equality within the institution and throughout each of its processes, including those related to representation, lawmaking (as it pertains to the drafting of legislation, as well as the process of lawmaking) and oversight. Gender refers to the socially constructed characteristics typically associated with aspects of men or women, while sex pertains specifically to the physical aspects of being biologically male or female. As the best practices approach expected by donors, including United Nations (UN) agencies, the European Union (EU), Foreign, Commonwealth & Development Office (FCDO), Scandinavian donors and increasingly the U.S. government, gender mainstreaming is now considered essential to both international development and democracy and governance work. Using a gender-mainstreaming approach, gender responsiveness and a gender perspective is not limited to specific “women’s programs,” but instead integrates a consideration of gender and its impact on women and men into all aspects of a program. Additionally, these inclusive programs integrate consideration of the various lived experiences, control over resources, and decision-making power men and women of various identities and from different communities have, and how their differential social statuses influence their needs.

In the context of the House Democracy Partnership’s (HDP’s) work, gender mainstreaming is a strategy that seeks to ensure that the analysis of democracy and governance concerns and the formulation, implementation, and evaluation of operations and policies are informed by a consideration of gender differences and gender inequalities; through all of the work, opportunities are sought to narrow gender gaps and enhance greater equality between women and men. Therefore, gender mainstreaming in the legislative sphere should seek to integrate gender equity and equality throughout the institution’s structure, and at all stages of its planned operations and legislative decision-making. It also ensures that a gender-balanced lens is central to the preparation, design, development, implementation, monitoring and evaluation of all legislation to ensure both the promotion of equity in political decision-making and the avoidance of inadvertently exacerbating inequalities as a result of the policy change.

As elected leaders, MPs have an important role to play as champions of gender equality in all aspects of their work. Many parliaments are working to move away from their traditional patriarchal norms and processes toward promoting equality.<sup>25</sup> Parliaments around the world are increasingly taking action to adopt “gender mainstreaming” not simply through debates and legislative and budget review, but throughout the institution as a whole. Making that change often involves looking at the institution itself with a critical eye, acknowledging unseen barriers that deter the presence of women, limit their participation, or hinder progress toward gender equality, and then taking strong action to address these issues. By applying a gender perspective to legislation, legislators can find ways to strengthen, and ultimately make laws, policies and programs that are more responsive to their whole community.

### A. Gender Mainstreaming in Parliamentary Structure and Operations

Parliaments with a commitment to gender equality ensure that their structures, operations and resources promote gender equality. Parliamentary leadership, both elected officials and senior staff, can demonstrate support for gender mainstreaming by adopting parliamentary reforms that provide gender-equitable processes and procedures.

- *Parliamentary Gender Audits*

Parliamentary **gender audits** are used to evaluate gender balance in the structures, operations,

human resources, policies and services of parliament. The results obtained through these audits are used to make improvements or to reduce existing inequalities.

Gender audit toolkits have been developed by international organizations to assist members and parliamentary leadership with conducting these evaluations. For example, the Inter-Parliamentary Union (IPU), the Organization for Economic Cooperation and Development (OECD), and the European Union's (EU's) European Institute for Gender Equality, among others, have developed toolkits for members to conduct gender audits.<sup>26</sup>

- *Gender Equality Action Plans*

Many parliaments develop **gender equality action plans**, which target working conditions for members and staff with a focus on concrete actions in parliament. These plans may recommend providing support for childcare and parental leave policies, and standardizing working hours and session schedules. Some plans may also recommend setting a permanent calendar for legislative sessions and committee meetings to allow members to better balance family and legislative responsibilities. For example, in Mexico's Congress of the Union, both the Chamber of Deputies and Senate of the Republic have commissions on gender equality that plan and implement gender equality actions within the Congress.<sup>27</sup>

- *Gender Equality in Leadership and Representation*

Other methods to advance gender equality in the legislature include steps taken to ensure that women are represented at all levels of legislative decision-making, including as committee chairs and heads of bureaus or boards that supervise policies and operations. Parliaments may also consider rotating or sharing leadership positions through a system of committee co-chairs. Committee composition may include a requirement for gender balance in membership. These measures help ensure female members and staff are equally in key positions of influence to support overall gender balance in parliamentary practice and procedure.<sup>28</sup> However, it is important that careful consideration is given to ensure female legislators do not only populate the leadership of committees on issues seen as "traditional women's issues" and other similarly perceived positions. When women are included in committees on foreign affairs, intelligence, the economy—and hold positions of leadership on those committees—more sound decision-making and legislation is produced.

- *Capacity Building for Members and Parliamentary Staff*

Members should be provided an opportunity to receive training on gender oversight techniques and practices in order to conduct both legislative and financial oversight, or new policy reviews. Specialized training is also key for parliamentary and research staff who work with members and parliamentary committees. Specifically, members and staff benefit from training on how to incorporate the dimension of gender into day-to-day parliamentary work. Training and assistance with framing questions and including gender in debates and other aspects of parliamentary work, such as in legislative committee proceedings, is often needed, especially for new members. Trainings should be made available to all genders equally, and opportunities should be provided for men and women to work together to understand the importance of gender equality in all aspects of legislative work. Also, members, especially men, should be provided with training that exposes them to gender-mainstreaming good practices, addressing bias (unconscious or otherwise), and male allyship for men and women. Learning these practices may help shift behaviors and approaches to gender equality advancement in parliament and beyond. Training should also incorporate lessons for bolstering MPs'

capacities, especially that of male MPs, to support operational and legislative approaches to gender representation, equality and sensitivity. Trainings should always be mindful of legislative calendars and electoral cycles.<sup>29</sup>

- *Gender Equality Committees*

Many parliaments have gender equality committees with a specific focus on gender issues. These committees conduct legislative or policy review, monitor programs and identify areas for policy reform. They also serve as an important platform for engagement with civil society by providing a public platform for consultations on the gender impact of policy proposals.

Some parliaments implement a **“Speaker’s Reference Group on Gender Equality”** or a **“Speaker’s Advisory Committee on Gender Equality.”** Efforts like this include reporting and advisory mandates to parliamentary leadership on gender issues and are typically comprised of male and female members representing the range of political parties or factions in the legislature. Reporting directly to the speaker, these groups often provide key recommendations for structural reform to mainstream gender.

Many legislatures have moved to establish permanent committees with responsibilities for gender oversight, around 120 parliaments have set up permanent committees designated with gender responsibilities. There are a wide range of models for such committees, some with broad authority for gender oversight.<sup>30</sup> Permanent gender equality committees ensure that public attention can be focused on where public policy improvements are needed. These committees are also an important link with civil society gender organizations.



IRI hosts Women Lead event with female legislatures to discuss cross party collaboration and other critical issues in Washington, DC. (IRI, 2018)

## Examples of Gender Equality Committees

**The Assembly of the Republic of Kosovo’s Committee for Human Rights, Gender Equality, Missing Persons and Petitions** has a comprehensive mandate for reviewing the state of gender equality and gender mainstreaming in “all Kosovo institutions,” and provides recommendations for the advancement of women in Kosovo’s society.

In 2017, Fiji’s Parliament established a **Parliament Committee for Gender** made up of the chairs and deputy chairs of its six standing committees. The committee is chaired by the speaker and is responsible for providing advice on how the Parliament can effectively meet the UN’s Sustainable Development Goal 5 on gender equality. The committee is also responsible for ensuring that a gender perspective is applied in all committee work and included in reports to Parliament.

In 2015, **Tunisia’s Assembly of People’s Representatives created its Commission on Women, Family, Children, Youth and the Elderly**. It was given a comprehensive gender oversight mandate, including mainstreaming gender equality into the work of parliamentary committees and the Assembly as a whole; oversight of the state budget, legislation and policy; as well as state compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

**The Georgian Parliament’s Permanent Parliamentary Council for Gender Equality (GEC)** recently adopted its Action Plan 2021 to focus its activities. Its parliamentary reviews have included “Gender Budgeting at the Municipal Level,” economic empowerment programs for women and examining oversight methods for sexual harassment legislation.<sup>31</sup> As of June 2019, following the passage of amendments to the Parliament’s rules of procedure, the GEC became a permanent council with its own secretariat and ability to conduct several types of gender oversight, including: 1) oversight of gender-mainstreaming activities of the executive branch; 2) summoning representatives of the executive branch to Parliament; 3) hearing reports prepared by the Inter-Agency Commission on Gender Equality, Violence against Women and Domestic Violence; 4) inquiry of information and documents related to an investigation of gender equality issues; and 5) oversight of implementation of the National Action Plan on Rights of Women and Gender Equality. Since 2019, the GEC has conducted three thematic inquiries on issues related to women’s economic empowerment and accessibility of health care services for women and girls with disabilities. The GEC is currently in the process of monitoring implementation of those thematic inquiry recommendations.

**Canada’s Parliament acted in 2004 to put in place its Standing Committee on the Status of Women**, which was given a comprehensive budget and legislative gender oversight mandate to “study the policy, programs, expenditures and the legislation of departments and agencies.”<sup>32</sup> This committee has also presented substantive reports on issues such as sexual harassment in the Canadian Armed Forces, violence against women, women’s economic security, senior women’s experiences of poverty and vulnerability, and women’s representation in politics.

- *Support for Cross-Party Women’s Groups/Caucuses*

A core gender-mainstreaming tool used by many legislatures is the **establishment of cross-party women’s groups or caucuses/commissions/committees**. These groups bring together female MPs often of different parties to deliberate on policies and institutional practices that advance equitable access to resources. Official recognition also assists in building ties with women’s organizations, research groups and universities. Women’s caucuses often have widespread success in advancing gender-sensitive policy initiatives.

In a number of legislatures around the world, female members have been able to work across party lines through caucuses to advance gender equality in legislative structures, improved public policy, budgets and legislation. In setting up a cross-party caucus, the ability to secure agreement on how decisions will be taken by the group is a key obstacle to overcome. The mission and objectives of the group should be clearly defined. These steps help reinforce the clarity of the group's mission and limit potential disagreement. Resources to support the work of the caucus and support from political party colleagues for these efforts are also key factors for success. Where limited legislative support is available for activities, some caucuses are permitted to receive support from outside the parliament, from international governance organizations, in order to conduct their activities. Often, civil society groups play a key role in providing research and other assistance for the caucus members and caucus activities.



Tamar Shugoshvili, former Vice Speaker of the Parliament of Georgia, speaks at the NDI Leadership Forum in Washington, DC. (NDI, 2019)

## Examples of Women's Caucuses from Legislatures Around the World

Founded in 1996, the **Rwanda Women's Parliamentary Forum/Forum des Femmes Rwandaises Parlementaires (FFRP)** is a cross-party network recognized by the Rwandan Parliament. Its chief success has been its advocacy work for constitutional quotas, which catapulted women's parliamentary representation from 16 percent in the lower house in 1996 to 61.3 percent in 2018. The FFRP trains its male and female members on gender-related issues, gender-mainstreaming and gender-responsive budgeting (GRB). Capacity building has been a key goal for the group, but it has also achieved some major legislative breakthroughs, like reducing discrimination against women in nationality and citizenship laws. Women's inheritance and land ownership rights have been strengthened and ground-breaking gender-based violence legislation has been passed. The FFRP also works in partnership with Rwanda's National Women's Council to conduct intensive citizen consultations on gender policy.

**The Kenyan Women Parliamentary Association (KEWOPA)** was instrumental in securing passage of the Prohibition of Female Genital Mutilation Act<sup>33</sup>, which was adopted by the Kenyan Parliament in 2011. It also was successful in mainstreaming gender into the 2008 and 2012 standing orders of Parliament. The caucus made another breakthrough with increasing the representation of female MPs in the leadership of parliamentary committees. Additionally, KEWOPA contributed to the proposal of several family-oriented bills that protect against domestic violence and improve equity in marriage and matrimonial property ownership. Further, the caucus was instrumental in pushing for the implementation and practice on a two-thirds gender principle that was proposed by the Constitutional Amendment Bill 2015 (No. 4). Finally, KEWOPA developed GRB guidelines for Parliament, and a *Members Handbook on Sexual and Reproductive Health and Rights*. It is also important to note that while Kenya has made strides to improve gender equity and awareness, the country continues to face opposition to enacting gender commitments as mandated under its 2010 constitution. In recent years, the Kenyan National Assembly, the lower house of Parliament, has refused to enact constitutional amendments that would require that neither men nor women have more than two-thirds representation in Parliament despite several supreme court advisory opinions.

Created in 2001, **the Caucus of Women Parliamentarians of the Republic of Indonesia (KPPRI)** has had an impressive history on gender issues, including its success in the adoption of a 30 percent quota for female candidates on party lists for the parliamentary elections. The 2020–24 theme for the caucus is "Excellent Women/Advanced Indonesia," and its activities are focused on integrating women in the development process. It promotes women's participation and representation in public life. Also, the **Indonesian Parliament's Women's Parliamentary Club** has lobbied actively to increase the representation of women at all elected levels, on boards and commissions, and inside political parties. To mark International Women's Day 2021, it launched its own parliamentary website.

**In Kyrgyzstan, the "Forum"** is a quasi-formal cross-party parliamentary women's caucus and has had impressive success on a number of issues, including introducing legislation to prevent bride kidnapping and forced marriage. It worked for the adoption of a 30 percent quota for the representation of women in parliament and local councils. In 2017, with the passage of the Law on Protection from Domestic Violence, the Forum has monitored its application, including convening public meetings to hear from citizens on areas where the legislation can be improved.<sup>34</sup>

**The Assembly of the Republic of North Macedonia's Women's Parliamentarians' Club** secured changes to the election code guaranteeing positions for women on party lists, legislative protection for victims of family violence, free preventative health services for women, among others. It has also been recognized for its role in providing a platform for collaboration across party lines.

**The Mongolian parliament** has no formal women's caucus; however, female MPs have been active on health issues and were successful in gaining budget funding for a new maternity hospital. In 2012, the group worked to pass anti-smoking legislation. Female MPs have also developed revisions to family and domestic violence legislation.

Though there is no “one-size-fits-all” approach or method to organizing women’s equality commissions, caucuses, committees and other relevant bodies, good practices include the following:

- Formal/legal representation in parliamentary rules of procedure and other relevant frameworks that establish parliament’s structure, rules and activities
- Balanced representation of women and men
- Balanced representation of political parties
- Strategic plans that outline core themes, issues and reform-agendas related to gender equality both inside the legislative institution (or government at large) and in society
- Monetary resources available, as allotted, to parliament’s overall budget to carry out gender equity reviews and all other activities related to the committee
- Availability of interactive web platforms or other forms of communication/social media that allow MPs to provide information and updates on relevant committee agendas, activities and reform efforts. The platform should equally provide ways for constituents to connect with their representatives and the committee on relevant issues. The platform should also include relevant information for gender-equality resources and information on access to resources for women and families.
- Conduct of frequent public hearings on core issues of gender equality and advancement that provide both members of the institution and the public opportunities to engage in issues related to gender mainstreaming
- Conduct of frequent outreach to localities to maintain awareness of gender advancement needs across the country.
- *International/regional women’s parliamentary associations*  
Women’s parliamentary associations, both international and regional, can provide important support for female members, as well as opportunities to strengthen the knowledge and skills needed for legislative work. There are a number of international organizations that not only provide technical expertise in developing gender-inclusive policy, but also provide solidarity and support to female legislators, especially to those who are in hierarchical and patriarchal contexts. The following chart outlines information related to these organizations.

## Women's Parliamentary Associations

### The Inter-Parliamentary Union (IPU):

The Inter-Parliamentary Union (IPU), established in 1889, is an organization of parliaments of sovereign states with currently 173 national members. It is a forum for dialogue and supports capacity building for members and the development of knowledge tools with a focus on gender equality. For more than 30 years, its Forum of Women Parliamentarians has been an important global platform supporting the full participation of women in national legislatures and within the IPU itself. The forum sessions provide an opportunity for participants to have a voice in international decision-making, meeting at every IPU Assembly. By participating in the forum, female members have an opportunity to learn about successful gender policy approaches that have been put in place in other parliaments. And through these direct discussions with colleagues, they are able to build relationships for continuing collaboration and experience sharing. The IPU also supports the "Summit of Women Speakers of Parliament" as a discussion platform for female speakers of national parliaments and female presidents and/or speakers of regional and international parliamentary assemblies that are affiliate members. It allows these legislative leaders a rare opportunity to discuss the challenges they face in the role of president and/or speaker as well as priority policy areas.

### The Commonwealth Women Parliamentarians (CWP):

The Commonwealth Women Parliamentarians (CWP) is a network of female members of the Commonwealth Parliamentary Association (CPA). The CWP is governed by a Steering Committee made up of representatives from each of the nine CPA regions. Female members can participate in a range of regional activities. The CWP's goals include: Building the capacity of women elected to parliament so they can be more effective in their roles Improving the awareness and ability of parliamentarians, male and female, to include a gender perspective in all aspects of their role, including legislation, oversight and representation Helping parliaments to become gender-sensitive institutions.<sup>35</sup>



HDP alumna the Hon. Gertrude Mbeyu hosts a citizen townhall in Kenya. (IRI, 2018)

### **ParlAmericas Network for Gender Equality (ParlAmericas):**

The ParlAmericas Association consists of 35 national legislatures from North, Central, and South America and the Caribbean. Its ParlAmericas Parliamentary Network for Gender Equality supports women's political leadership and gender-mainstreaming initiatives in its partner legislatures. Since 2003, the network has carried out programs and parliamentary meetings to share good practices on gender equality, such as women's parliamentary caucuses, strategies to combat gender-based political violence, electoral reforms to support female candidates and economic empowerment strategies. The network has also supported online communities for parliamentarians to continue collaborations on gender equality policies and the development of capacity-building resources for members.

### **Women's Legislative Network of the National Conference of State Legislatures:**

In the United States, the Women's Legislative Network of the National Conference of State Legislatures consists of every female state legislator in the 50 states as well as those representing US territories and the District of Columbia. The mission of the network is to "promote the participation, empowerment, and leadership of women legislators" and provide opportunities for female legislators to "interact and learn from each other."<sup>36</sup> It also provides research support on a wide range of issues for members.

### **The Inter-Parliamentary Union's Plan of Action for Gender-Sensitive Parliaments**

The IPU's Plan of Action for Gender-Sensitive Parliaments toolkit identifies seven key areas for gender-sensitive action: equality in participation, strong legal and policy frameworks, gender-mainstreaming tools, gender-sensitive parliamentary infrastructure and culture, women and men's shared responsibility for gender equality, political parties as gender equality champions, and gender-sensitive recruitment and staff development policies. The toolkit measures performance on these indicators.

The IPU also has a "Self-Assessment Toolkit" with a step-by-step guide to support members and parliamentary staff in understanding: *existing representation, structures and policies adopted to support a gender-sensitive culture, to what degree there is shared responsibility for gender equality amongst members, to what extent the political parties in the legislature have championed gender equality and the role of legislative staff in advancing gender equality measures.*

This self-assessment is structured in such a way that it can be undertaken by a group of individual members, or official legislative committees, such as a dedicated gender equality committee or women's caucus. It could also be led by the speaker or secretary general/clerk of parliament. It is strongly recommended that the review group have diverse representation. Those conducting the assessment should also consider hearing from experts and other groups outside of the legislative body to bring as broad a range of experience as possible.

## What Is a Gender Impact Assessment?

A gender impact assessment is an exercise conducted to identify potential negative consequences of a proposal, and which may in turn influence the state of equality between men and women.

The assessment asks a basic question: *“Will the law, policy or program that is being proposed reduce, maintain or increase gender inequalities between men and women?”* The purpose of the assessment is to identify any potential discriminatory impact so that it can either be mitigated by redesigning the measure that is being proposed, or by withdrawing it. By implementing gender impact assessments as an integral part of the policy development process, unintended negative consequences can be avoided thereby creating better public policy.

Traditionally, the view was that both laws and government policies were “neutral” in application and result with outcomes being the same for all segments of the population. However, with an increasing understanding that structural inequalities exist, the gender impact assessment process was developed to encourage policy makers to anticipate these negative consequences before the policy is implemented.

The end result of conducting gender impact assessments is that policies and laws are more targeted in reducing or eliminating the gender gap. Generally, civil servants, gender equality units and gender experts (both inside and outside government) will participate in conducting gender impact assessments. Some governments have established dedicated gender equality units to lead the process. For example, the European Commission requires stakeholder consultations as a step in its formal gender impact assessment procedure. In the Philippines, the Women’s Commission plays a key role in assessing the gender impact of budget proposals and approving their adoption. In Kenya, parliamentary committees include public consultations as part of the formal process of pre-budget adoption, which is an opportunity for gender organizations to play a role in providing advice on gender impact.

External civil society organizations (CSOs) may also be involved in the evaluation through consultations with government officials or legislative committees, either through public or private discussions. Some governments have formalized this consultation process in the gender assessment evaluation.

In planning for a gender assessment, the following criteria can be initiated:

- Agreement on the purpose and objectives of the assessment
- Diverse representation to ensure a range of views
- Resources identified both inside and outside the legislature
- Identify outside experts/gender equality groups
- Logistical support for the consultations and discussions
- A realistic timetable for the process to ensure groups can thoroughly discuss the format and results
- Adequate and reliable data
- An evaluation framework that captures the key aspects—legal and policy framework
- The culture, environment and policies of the legislature
- Representation of women in key roles
- Representation of women in parliamentary staff
- Monitoring of implementation.<sup>37</sup>

## A Gender Assessment That Resulted in Changes to Parliament in Uganda

In 2018, the Ugandan Parliament amended its internal rules so that a 40 percent quota for women was required in leadership positions in parliamentary committees. The women's caucus subsequently proposed to further amend the rules to ensure gender parity in all leadership positions, including in committees, the office of the speaker and inter-parliamentary delegations. Parliament prescribed that before being submitted to the United Nations, state reports to the Committee on the Elimination of Discrimination against Women would be presented for parliamentary review. The former speaker of Parliament, Rebecca Kadaga, was a leader in pushing for gender-balanced reforms, and for encouraging women in Parliament to work on behalf of rural women and girls in the pursuit of gender equity not just in government but across society.<sup>38</sup>

### *Working with Civil Society Organizations*

There are numerous examples of productive collaborations between groups of CSOs and women's parliamentary groups on gender equality issues. With many female members often working in challenging circumstances, lacking both staff and research support, CSOs have played a key role in supporting both individual members and legislative committees to secure policy as well as legislative gains. However, it can take time and effort to build a relationship of trust. Realistic expectations of what can be accomplished, on both sides, need to be set.

One of the keys to developing a successful and productive relationship is understanding the limits under which both parties work, as well as setting clear and realistic goals. Having honest discussions about what each side can bring, and the challenges and limitations that each must work under, is a place to start in planning.



Staff from the parliaments of Burma, Colombia, Georgia, Indonesia, Kenya, Kosovo, Liberia, Macedonia, Peru, Sri Lanka, Timor-Leste, Tunisia, Ukraine come together in Washington, DC to discuss good practices for effective library and research services in parliament. (NDI, 2016)

## Migrant CARE's Efforts to Advance Inclusion in Indonesia

Migrant CARE is an Indonesian advocacy and support group focused on improving legislative and other protections for overseas Indonesian workers and their families. With few legal protections in host countries, these workers are often vulnerable, subjected to exploitation and poor working conditions. Migrant CARE had identified the need for better laws to protect these workers. Following the swearing in of the new national parliament in 2014, the group began to establish ties with the legislative committee responsible for recommending changes. In addition to the chair of the committee, it reached out to committee members and staff, as well as parliamentary experts. This effort resulted in an active collaboration on drafting the new legislative changes. Migrant CARE was involved at every stage of drafting and discussions of the amendments. This effort saw a new law passed by the Indonesian parliament in 2017 which incorporated virtually all of the suggestions proposed by Migrant CARE. Through a sustained effort of building a relationship with the chair and committee members, Migrant CARE was able to demonstrate the mutual benefits in what was being proposed. The changes advocated would be beneficial to the migrant workers who were the subject of the new law, but also to the MPs themselves. Policy support for the work of legislative committees in the Indonesian parliament was weak, and so successfully putting forward a bill that had broad support also won public esteem for the work of the committee and its members. MPs were also praised for working to protect exploited Indonesian workers—a situation which had been a source of public anger in the country. For MPs with families of migrant workers in their constituencies, their reputations as effective constituency representatives were also enhanced. This example also highlights the importance of being able to identify the benefits for both sides in collaborating to improve public policy.<sup>39</sup>

### *Codes of Conduct*

Gender-sensitive language and behavior should be a key element of any regime.<sup>40</sup> Establishing **codes of conduct** for both members and staff ensures the legislature is a safe and respectful workplace. It is critical to put measures into place that ensure enforcement and accountability, so the codes are effective. Sexual harassment policies have become a primary focus in gender-balanced codes of conduct. For example, the Bureau of the Senate in Mexico's parliament has adopted a protocol on protection for parliamentary staff against harassment and to promote a “work environment free of violence and gender stereotypes.”

### *Research and Data*

Well-resourced legislatures may have technical and research support, including technical research units on gender equality, to assist members in ensuring that gender issues can be flagged as part of parliamentary work. Technical research units on gender equality or library/research staff with gender expertise who have access to up-to-date information, books, computers, and online databases can help members and parliamentary staff conduct some level of gender-based analysis.

For members to conduct robust gender mainstreaming in parliamentary work, technical support, such as researchers who are trained in using gender equality analysis tools, and specifically, how to incorporate the results of gender impact assessments or statements into parliamentary work, is needed.

## Potential Public Hearing Pitfalls and Things to Consider:

- Take a considered approach that takes into account gender dynamics and roles and how those affect public hearings.
  - Men are more likely to:
    - › speak up;
    - › sit in the front;
    - › be heard and not talked over;
    - › feel comfortable speaking;
    - › be able to freely travel; and
    - › generally, have the time to join these hearings.
  - Women are more likely to
    - › bear the burden of raising children and other domestic responsibilities;
    - › lack the ability to travel or have access to affordable and safe transport;
    - › have different work hours that are not traditional or the norm; and
    - › feel uncomfortable speaking out.
- Taking these factors into consideration, develop an inclusive outreach plan that takes the conversation to women in venues, locations and/or approaches that yields their active participation is important.
- Also, note that women are not a monolith. Effective hearings include women of different backgrounds, identities and issue area experts.

### ***Polymaking***

To carry out effective gender mainstreaming at all levels, legislators must use the policy development process to inform approaches through a gender lens. The purpose of gender-responsive lawmaking is to produce laws that are gender equitable when applied, so that women are not disadvantaged, and to account for the differential needs and priorities of women and men when analyzing a problem and developing a solution. Women from marginalized communities are particularly vulnerable to the effects of entrenched gender inequality in legal systems. GRB is also a critical legislative tool. This technique will be outlined in more detail in Section IX on Budgets.

To produce gender-conscious laws, gender impact must be considered in the process of developing new laws or in changing existing ones. If deficiencies are identified, new measures are required to balance out negative consequences, such as those that have been uncovered in legislative review or gender impact assessments. Legislators can also use **public hearings**, which offer an opportunity to gain fresh information and insights on the gender impact of policy proposals, or submit **gender impact statements** along with legislative proposals or budgets, which identify the gender impact of spending measures or legislative changes, and provide members with key information that can be used to question officials and make proposals to improve gender outcomes. Gender impact statements are typically prepared using a policy assessment. Steps taken in a policy assessment are outlined in the following chart.

### 1. Identify the issue:

- Is the legislation that is being proposed a new law or is the proposal to amend an existing law?
- What policy area is involved, such as health, education, finance, etc.?
- What are the goals and objectives of the proposal?

### 2. Identify the evidence available on the issue:

- Who will be affected by the change in the law?
- What data are available on this issue? Is sex-disaggregated data available?
- Are there gaps in the data?
- Are the statistics and other information used to assess this proposal current and reliable?

### 3. Has gender been central to developing this proposal?

- Can you identify if one gender is likely to be affected more than the other by the change in the law, and, if so, to what extent?
- Are gender differences specifically addressed in the bill?
- Are there specific groups within each gender that are more likely to be affected, and to what extent?
- Are there other disadvantaged groups affected by this proposal: disabled women, men of a specific ethnicity, women living in rural areas, etc.?
- What supporting information is provided to demonstrate that gender factors have been considered, such as gender impact assessments, consultations with women's groups, among others?
- Are special measures needed to address gender inequality?
- Have desired gender outcomes been identified, such as improved representation of women, income equality, employment, etc.?
- Will gender-specific concerns be reviewed in monitoring and evaluating the legislation?
- Are there national gender policies that should be referenced in the law?
- Will women be involved in the regulation and monitoring of the legislation?<sup>41</sup>

In situations where members or a caucus are preparing individual bills for submission, efforts should be made to consider the issue being addressed from the perspective of women and men from different communities, and to ultimately put forward a proposal that will yield more equitable results for these groups. This is also a situation where gender specialists in CSOs may be able to provide advice if the legislature lacks the technical staff that can conduct gender impact reviews. If legislation is being **introduced by government officials**, a review may have already been conducted and a report may provide valuable insights and information on gender impact. Members should be prepared to question the executive on information gathered and the process used to prepare the legislation.

## B. Tools to Increase Representation

### • *Temporary Special Measures (TSMs)*

Temporary special measures (TSMs), often referred to as gender quotas, are used as a way to bypass cultural barriers or legal inequalities to gender representation. TSMs aim to meet cultural barriers, such as challenges to gender equality policy implementation, often created by leadership that is not truly committed to shifting those cultural norms. Principal strategies for increasing the

representation of women, as well as other under-represented groups, include the use of formal policy tools targeted at structural barriers to women's parity in leadership, whether in election systems or political party cultures, that limit women's access to elected office.

Countries that are signatories to CEDAW have undertaken explicit commitments to address inequality in elected representation. CEDAW, which came into force in 1981, has now been ratified by 187 countries around the world. It contains an obligation for UN member states to adopt TSMs to accelerate representation.<sup>42</sup> **Quotas** are one example of a TSM policy that aims to increase gender representation through constitutional amendments or other legislative measures.

The following **three principal types of gender quotas** have been used to increase women's representation in elected bodies:

- Legislated candidate quotas
- Legislated reserved seats for women
- Voluntary action in political party quotas for candidates

Legislated candidate quotas and voluntary action in political party quotas are now the more commonly used approaches globally for improving representation. Quotas have been met with controversy globally. Some core challenges, in addition to good practices for implementing quotas, are as follows:

***Core challenges to implementing gender quotas:***

- Lack of leadership buy-in for quota regulation, implementation and compliance
- Differences in acceptance of voluntary versus legally binding quotas
- Quotas do not always lead to women's empowerment and complete representation, especially in leadership roles or ultimate legislative decision-making

***Good practices for implementing gender quotas:***

- Ensure quota regulations allow for processes that require leadership to emphasize and advance recruitment for a greater number of women in political life
- Work to empower women's equality and gender parity organizations in civil society that serve to build opportunities that advance women's political participation
- Ensure compliance of quotas, including both legal and voluntary party quotas, and use penalties to enforce compliance

**Election commissions** also play a critical role in advancing gender equality goals. In some countries, election commissions are empowered as gender equality enforcers with a range of powers, such as the right to refuse candidate lists if they do not meet legislated requirements. For example, in Spain, if a party files a candidate list that does not meet the gender quota, it will be given three days to remedy the issue. If it does not comply as directed, the list is rejected. In Colombia, the National Electoral Council (Consejo Nacional Electoral, CNE) has advanced a mobile initiative,<sup>43</sup> which brings information, workshops and tools to communities across the country. The goal is to effectively address violence perpetrated against female government officials, candidates for elected positions and political party leadership.

Another approach has been to use **financial incentives or penalties** as a lever in those countries where state or public funding is provided to political parties. Some countries have implemented financial penalties in election laws as an incentive for political parties to meet gender targets. For example, in Portugal, if a party files a list that fails to comply with gender requirements, the list will be made public, and the party will be subjected to a financial penalty. Ireland amended its election laws so that political

parties may lose 50 percent of state public funding unless at least 30 percent of their candidates are women and 30 percent are men. A seven-year period is set for parties to meet a 40 percent gender quota in candidate lists to qualify for full state funding. Meanwhile, France uses a combination of both rejecting lists and imposing financial penalties on political parties that fail to comply with gender requirements for candidates. Lists may be rejected at the local level, while fines are imposed at the national level for deficient candidate lists.<sup>44</sup>

## Additional Gender Resources

- *Breaking the Cycle of Gender Exclusion in Political Party Development*, Carnegie Endowment for International Peace
- *Barriers and Solutions to Increasing Women's Political Power*, Rutgers University-Camden
- *Toolkit for Mainstreaming and Implementing Gender Equality*, Organisation for Economic Co-operation and Development
- *Plan of Action for Gender-Sensitive Parliaments*, Inter-Parliamentary Union
- *A Primer for Parliamentary Action: Gender-Sensitive Responses to COVID-19*, UN Women
- *Women in Parliament: Beyond Numbers, a Revised Edition*, International IDEA
- *Men, Power, and Politics*, National Democratic Institute
- *One Size Does Not Fit All: Lessons Learned from Legislative Gender Commissions and Caucuses*, National Democratic Institute and International IDEA
- *Gender-Responsive Policymaking Handbook*, International Republican Institute

## Key Takeaways

- Gender mainstreaming in parliament is a critical component for the functionality and effectiveness of democratic institutions. As the representative body of the people, legislatures are critically positioned to showcase national commitments to gender equality and inclusion. By demonstrating good practices that advance the rights, opportunities, and decision-making capacity of both women and men equally, legislatures have the capacity to offer a positive model on gender equality to society at large.
- Gender-balanced parliaments are institutions that:
  - Provide women and men equal opportunities for engagement and decision-making
  - Foster and create an environment where women's rights are upheld and respected
  - Respond to the needs and obligations to balance family and work responsibilities (this is especially important as the world continues to face challenges as a result of the COVID-19 pandemic)
  - Encourage political parties and other leaders to take an active role in promoting gender equality and inclusion
  - Debate policies through a gender-sensitive and aware lens, especially on budgetary decisions
  - Equip members and staff with resources and capacities to encourage the recruitment and retention of women in senior positions
  - Ensure gender equality is mainstreamed throughout the work of the parliamentary administration, in addition to its overall operations and infrastructure
  - Promote access for female candidates and members of civil society to legislative resources, actors and institutions

- Utilize a communications strategy that is inclusive of women and marginalized groups, and showcases gender equality activities and outcomes
- Establish anti-harassment and antidiscrimination policies to ensure all members and staff work in a safe environment that is free from all forms of discrimination and harassment, including sexist language and actions.
- To enact gender-balanced institutions and policies, there are a multitude of tools that can be employed to assess potential implications of decisions on gender balance.
- With a commitment to gender-responsive lawmaking, MPs and parliaments can legislate in a way that minimizes or eliminates gender inequities and disparities within laws and their administration. To ensure that laws are written and administered in a gender-responsive manner, MPs must commit to robust oversight of new and existing laws.

When putting together an NMO, a variety of formats can be used, including gathering at a remote location for a retreat-style overview along with all members, or a dedicated weeklong training period prior to the start of a new legislative session. Lengths of sessions will depend on the amount of information to be covered, and may include a combination of presentation or seminar-style lectures, in addition to moderated discussions. A few NMO speaker suggestions, as well as potential questions to guide these sessions, are provided below.

### **Potential Orientation Speakers**

- External experts on gender-equity and institutional development, including from recognized research institutions of the legislature or women's organizations
- Current and former members of relevant women's commissions, caucuses and other legislative organizations
- Current and former members of relevant government commissions focused on gender balance, equity and legal provisions.

### **Potential Orientation Questions**

- What policies are currently in place to uphold gender balance and parity in the institution (i.e., rules of procedure, human resource laws, individual office manuals, etc.)?
- What tools exist for legislators and staff to utilize in assessing potential implications of a policy or provision on gender parity?
- Is there a legislative women's caucus, commission or other organization of government dedicated to objective advancement of gender parity in the legislature?
- What resources exist to bring members and staff into compliance with gender parity laws and regulations?

## VII. Parliamentary Committees

Legislative Committees are the engines for legislative operations, and allow parliaments to divide up responsibilities and expertise to their membership to effectuate better lawmaking. While structure and topical arrangements can vary, the committee plays a critical role in the legislative process.

### A. Role, Purpose and Benefits

Committees are foundational in legislative debate and action on policy. Committees provide a structure to divide the parliament's legislative and oversight responsibilities along specified issue and priority jurisdictions. The legislature's rules generally give parliament the authority to establish committees as they deem necessary, including the number, type, membership size, procedures, assignment processes and party jurisdictions.

In many parliaments, much of the day-to-day work of a legislature, particularly drafting and debating legislative measures, is executed within committees. Committees regularly review legislative proposals on policy areas itemized within their jurisdiction, amend draft laws and present policymaking recommendations to the full chamber. Committees regularly rely on outside experts, administrators and stakeholders to advise the panel on suggested courses of action.

The division of labor created by committees offers both individual and institutional benefits. For the MP, committee-based legislating allows parliamentarians to both showcase their issue area expertise on specific topics, if relevant, or become issue area experts on matters before their panel. As experts, committee members often find they have outsized influence on committee topics within the chamber, as fellow time-constrained parliamentarians regularly defer to the recommendations put forward by committee members because of the large amount of time they have spent on the issue. Relatedly, because committees provide increased lawmaking attention, debate and amendment opportunities on issues within their jurisdiction, MPs find they are best able to affect legislative language and outcomes on proposals within committee. Finally, service on committees offer MPs a direct representative benefit. Through their more concentrated committee work environments, legislators can become champions and experts on issues of primary importance to their districts, parties and constituents.

The legislative committee system also benefits the legislature by increasing its capacity to manage its legislative and oversight demands. Dividing the workload allows the legislature to conduct more of its work at one time, as different committees can simultaneously conduct legislative and oversight meetings. The smaller committee membership also offers more efficient debate and amendment opportunities that are simply not available during plenary sessions with a chamber's full membership. Additionally, committees allow more focused oversight of the executive because their jurisdictions often include specific executive programs and agencies. In this role, committees review the actions of the executive on policy areas within their itemized jurisdictions. More specifically, committees may initiate audits, investigations and reports to ensure passed laws are being administered with minimal waste, fraud and abuse, and according to the legislature's intent.

### B. Types of Committees

Nearly every legislature relies on a host of different types of committees to meet the specific needs of their institution—lawmaking, research and oversight. Each type provides different pathways for members to wield influence, affect policy outcomes and represent the needs of their constituents.

### **a. Standing**

Standing committees are the most common committee type and provide the policymaking infrastructure to the chamber. Also known as full committees or standing commissions, standing committees are defined by their permanence in that they carry over from one legislative session to the next. Each standing committee is specified an issue jurisdiction, often within the chamber's rules of procedure, that found the committee's scope and policy authorities. Standing committees, even within the same chamber, are regularly granted the power to write their own rules of procedure—such as methods for consideration and amendment of a measure, meeting times or quorum requirements—so long as they do not contradict those outlined within the broader legislature's rules.

It is common that nearly all introduced draft laws are referred to the committee whose jurisdiction best aligns with the topic of the proposed measure so as to be reviewed and potentially amended by its more specialized committee members. Committees can also choose to initiate legislative proceedings on a measure within their jurisdiction without the proposal being introduced in the full chamber. Though committees generally represent the beginning point for most policy proposals, it is common for bills to never receive attention after being referred to the committee panel. This can be due to competing priorities among committee members, an inability to get consensus across parties on specific legislation or an inability to legislate on niche issues as a result of other more urgent priorities, among other reasons. This highlights the importance of building consensus prior to bill introduction.

To further divide the legislative labor and jurisdictions into smaller subunits, standing committees often make use of subcommittees. Subcommittees allow for further issue area specialization to its members as well as increased opportunities to serve in positions of privilege, such as committee chairs or vice-chairs. Subcommittees are made up of members of the parent committee and typically operate under the same rules adopted by the broader panel. Legislation deliberated within a subcommittee can be advanced for consideration and amendment by the full standing committee.

### **b. Special/Select**

In contrast to permanent standing committees, special or select committees typically expire after a designated period of time or after the work of the panel concludes. Special committees are often established to satisfy a variety of institutional needs that are not met by the standing committee system. For example, the chamber may decide to create a select committee to study, research and recommend policy changes on an issue of high salience or importance. Special committees are also regularly used to study issues relating to a particular group of citizens, such as marginalized or vulnerable groups. They can also be used to provide a more focused oversight body to investigate high-profile events or draw public attention to potential malfeasance of political or private sector actors, such as corruption within the executive branch or maladministration of a law passed by the parliament.

Because of their issue flexibility, special or select committees serve both the policy and political wishes of MPs. Their creation can signal the legislature's attentiveness and responsiveness to important or previously overlooked issues, as well as indicate a proactive chamber's willingness to curb wrongdoing. The work of select committees can also expedite policy changes because they consolidate legislative authority into a single entity rather than require the cooperation of many panels whose jurisdiction may be involved.

### c. Temporary/Ad Hoc

Similar to special committees, many legislatures establish temporary or ad hoc committees that focus on a specific policy proposal or oversight effort. Such committees can often be quickly created to expedite the legislature's attention on a particular policy, and are disbanded after putting forth their policy recommendations. Ad hoc committees can be inquiry panels into particular claims or suspicions of misconduct, or perform as advisory committees to the legislature or executive on a specific bill or legislative priority. To achieve these aims, most temporary committees hold many of the same powers as permanent committees, including drafting and publishing reports, subpoenaing witnesses and holding hearings.

#### Peru's Special Commission on COVID-19

To respond to the COVID-19 pandemic, the Congress of the Republic of Peru established the Special Commission for Monitoring Emergencies and Disaster Risk Management in April 2020, comprised of 18 members of the Congress. The commission's mandate is to monitor public policies and pandemic-related measures adopted at all three levels of government during the period of the health emergency in the country. The committee conducts oversight of the COVID-19 response in Peru, receiving feedback from the public and transmitting complaints and relevant information to the executive branch and state governments, monitoring the implementation of COVID-19 funds in the national budget, and drafting legislation to respond to the pandemic. The commission is broken down into eight working groups, each focused on a specific area of the COVID-19 response.<sup>45</sup>

### d. Joint (Bicameral Legislatures)

As the name suggests, joint committees refer to panels made up of members from both chambers in institutions with a bicameral legislature. Depending on their organizing resolution, joint committees can take on a variety of formats and sizes, and enjoy a mix of legislative and investigatory authorities. Some are established solely to study a legislative issue and are allowed only to make recommendations to the legislature, others are granted legislative authority on behalf of the body, and still others are established to investigate specified actions and enjoy access to witnesses and documents at levels typically not granted to standing committees. Additionally, specific joint or "conference" committees are often established to reconcile differences and to compromise on legislative priorities within a specific bill that was approved by both chambers on the same issue and is to be signed into law.

In general, joint committees are established when a given issue area is of equal importance to both chambers and the two bodies wish to reach agreement. Members of joint committees can be appointed by party leaders within their respective chambers, by committee leaders or by full votes within the chamber. Generally, membership is split evenly between the two chambers. In such cases, the rules of the legislature will outline the specific composition of such committees and their responsibilities, including the number of members that would join from each chamber, party representation and jurisdictional privileges of members on the committee

## C. Committee Work Products

Given the jurisdictional responsibilities and subsequent in-house expertise created by the committee system, committees are involved at nearly every stage of the policymaking process within the legislature. As a result, committees produce a litany of work products that inform the parliament's legislative actions and keep the public informed of the chamber's efforts.

### a. Planning and Research

Much of a committee's work time is spent well before its more public-facing actions of legislative hearings and deliberations. Given the intense time constraints of MPs and the heavy legislative workloads of the chamber, committees recognize that proactive planning and research is vital to their success. Knowing that their panels have limited time and resources, committees, often through their elected leaders, triage the legislative priorities that their respective members plan to devote time to in upcoming committee sessions. They consult with party and chamber leaders to map out tentative schedules of the chamber and strategize how their own panel's work fits in with the overall goal of the legislature and political parties. Such strategy sessions are iterative—they evolve as political and social conditions of the country change.

At the same time, committee members—and any available personal or committee staff—consistently research, propose and draft legislative proposals that the committee may take up in future sessions. Members and staff must study previous legislative efforts on similar topics to inform their decision-making on future efforts. They must also work to remain informed on the latest developments and studies concerning their committee's issue areas, and regularly seek out off-the-record briefings with outside experts, including academics, current practitioners or executive branch administrators.

During this pre-legislation phase, committee members attempt to coordinate their efforts with outside stakeholders, such as local governments and executive agencies, to ensure their legislative intentions align with the priorities of those who are most responsible for their administration. Prior to bill introductions and amendments, committee members also regularly meet with fellow MPs to identify bill provisions that are widely popular or unpopular so as to maximize their likelihood of passage. Though these actions mostly occur behind closed doors and before any recorded action or vote, these research and planning conversations are essential to committee work processes.

### b. Meetings

Official committee work occurs during specific meetings. Typically scheduled and called to order by the committee's chair, official committee meetings become part of the legislature's record where its actions, votes, statements and agendas are recorded. For committee meetings to take place, a quorum—or minimum number of committee members—must be present. There are several types of meetings available to committees, each with its own designated purpose. The most common forms of committee meetings are:

- i. **Business:** A business meeting is held to review previous committee actions, provide status and calendar updates on the work of the committee, and provide committee members with an opportunity to propose ideas on issues before the committee. During business meetings, members are often able to make official statements for the record, offer questions or comments on matters before the committee, and make suggestions to the proposed calendar, committee agenda or specific pieces of legislation within the chamber.

- ii. **Markup:** A committee markup is a type of meeting in which committee members debate, alter and amend a proposed bill. The goal of a committee markup is to finalize a bill's legislative language to be considered by the full chamber. Please see the below **Markups** section for a more detailed description of a markup meeting and its common processes.
- iii. **Budget:** In many legislatures, committees have budgetary jurisdiction over items related to issue areas for which the committee is responsible. To consider budget or spending levels, budget requests from the executive or the legislature, or to review spending authorizations, committees hold budget meetings. Such meetings offer the committee a focused evaluation of the legislature's budget and spending decisions related to agencies and programs under the committee's jurisdiction.
- iv. **Field:** Known as field hearings, committees can host official business meetings at a specific location outside of the legislature. Such meetings provide an opportunity for the committee and its members to travel to different regions of the country and observe firsthand how problems or programs are affecting different populations. Field hearings can be used to raise public attention (particularly in affected regions) of a pressing issue, strengthen an MP's relationship with their constituents and/or region, bring new witnesses into the legislative process or allow MPs to evaluate a program on-site. Additionally, field hearings also offer the opportunity to include more witnesses in the legislative process, especially those for whom traveling to the capital is infeasible.
- v. **Member-Level Briefings:** These off-the-record committee meetings are a useful tool for members to have a private learning opportunity. Decisions and votes are not done here. Rather, these briefings provide members with an opportunity to hear from experts in a more candid setting in order to share thoughts on topics. Member-level briefings also provide a forum for the group to ask questions before a public meeting takes place.

### c. Hearings

Perhaps the most well-known committee action is a public hearing. Committee hearings are typically open to the public and serve as an opportunity for committee members to research, debate and voice opinions on important committee business. Hearings are commonly called to acquire opinions and information regarding a policy topic or drafted bill, examine a program's effectiveness, respond to a policy development, or further a committee's investigation. Hearings can also be purely exploratory in which committee members hear from interested stakeholders about their wants, proposed policies, or feedback for the committee or chamber.

Committees often invite witnesses to provide expert testimony to the panel. Witnesses may include researchers, professors, interest groups, executive agency officials and sometimes other MPs who wish to testify on a matter under the committee's jurisdiction. In addition to soliciting testimony, hearings are used to draw public and media attention to issues the committee wants to highlight. Hearings can help build public support for a proposed bill, educate the public on the severity of a problem, or expose wrongdoing within private or governmental entities. They also provide a critical function for legislative oversight, especially in the event an executive witness is called to offer testimony on a proposed program, budget or issue.

Importantly, committee hearings are a valuable public forum for a panel's members to be heard on important issues. Because they are open to the public and record statements and actions, hearings provide an institutional opportunity for members to go on the record, both in statements and votes.

In this way, MPs commonly use hearings to represent their stances or attention to an issue important to their constituents or to overlooked and underrepresented populations or perspectives.

#### **d. Markups**

As previously discussed, committee markups are called to debate, amend and finalize the legislative language of a proposed bill before it is reported to the full chamber. These meetings are called markups because the committee edits, or marks up, proposed text through votes on amendments. In most cases, markups are open to the public in an effort to make transparent the processes and decisions made by the committee and its members. As a result, committee markups represent one of the most effective avenues for individual MPs, particularly members of the minority party or parties, to affect legislation and receive a recorded vote on their proposal or amendment.

Each committee and legislature has their own particular procedures for amending legislation within committee. However, typically the first step of committee markups is for the committee to decide what legislative vehicle, or base text, will be amended. The first common base text choice is an introduced bill that was referred to the committee for consideration. Or, secondly, the committee can draft a bill of its own that was not referred—committee bills usually reflect the preferences of the majority party, especially the committee chair. After selecting the base text, the committee makes alterations to the language by voting on proposed amendments.

Markups can be held at the subcommittee level as well. Once a subcommittee finalizes its markup, the agreed upon final bill language is reported to the full committee. The parent committee can then hold its own hearings and markups or fully accept or reject the decisions made by the subcommittee.

#### **e. Reports**

Committees regularly publish official reports on issues and actions taken within the panel. One type of commonly used committee report accompanies a reported piece of legislation that may be considered by the full chamber. A legislation-related committee report effectively serves as a briefing book for other legislators, and a guide for executive branch implementers, that puts in plain language the purpose of the reported bill, arguments for the committee's decisions and/or amendments, and the main takeaways from the committee's research, testimony and hearings. Depending on the rules of the legislature, reports may also be required to include a legislative history on the topic, changes to any existing law that the new bill would instigate and a statement of additional costs if the bill were adopted.

Committees can also publish a report unconnected to any particular piece of legislation. These reports can aggregate the committee's research on a policy idea, compile any testimony received by the committee, and itemize advantages and disadvantages of commonly put forth legislative solutions on a given topic. The primary goal of such a report is informational, both for the institution and the public, or to document committee attention to a matter that may not have a legislative solution.

#### **f. Public/Media Engagement**

Just as individual MPs attempt to increase public and media attention to their efforts and stances, so too do committees. Strong relationships with constituents and the media can greatly assist the committee in executing its work. Press releases, public hearings, member interviews and communications strategies can help advance public opinion on a committee's proposed solution,

educate constituents on the need for legislative action, and even be used to generate public pressure for the committee or legislature to act. By increasing engagement, MPs can raise their public profiles, show responsiveness on issues important to their constituents and generate political capital as a committed public servant. In this effort, committees can hold public field hearings, host committee meetings in which the public can testify before the panel, and work with media outlets (print, television, radio and social media) to make clear their stances and promote the committee's activity on a topic or issue.

#### **g. Meeting/Hearing Transcripts/Vote Records**

A final committee work product is a vital public record of all official member statements (written and oral), debates, testimonies, hearing transcripts and voting records that occur within committee sessions. This public activity record, best published online in an easy-to-find forum, serves as both an essential element of the legislature's transparency and informative repository of individual and committee stances and actions. Media outlets depend heavily on minutes and records kept from committee sessions to report on the panel's work, information collected and votes taken by individual members. Similarly, interested stakeholders and citizens can access the committee's published records to inform themselves on what topics have received committee attention, how each MP has spoken on an issue and how each member has voted on committee matters.

### **D. Committee Structure**

Committees of all types can take on a variety of sizes, partisan compositions and organizational hierarchies. These and other aspects of committee structures—such as committee procedures and rights afforded to committee members—are often specified with a legislature's rules of procedure or a specific committee's rules of procedure or other founding documents.

#### **a. Size and Partisan Composition**

One of the first steps taken within a parliament's legislative session is to determine the size and partisan composition of each standing committee. That is, the legislature must agree on not only how many members will serve on each committee, but also how many of each of the chamber's political parties are allotted seats on each panel. This metric is also known as the committee's party ratio.

With regard to committee size, it is common that the parliament's rules of procedure provide minimum and maximum committee sizes. In Iraq's Council of Representatives, for example, Article 73 of its rules stipulate that each standing committee "shall consist of at least seven members and no more than fifteen."<sup>46</sup> Final committee sizes can be agreed upon by chamber or party leaders, the executive, or a resolution adopted by the full chamber.

To ensure fair representation across parties, party ratios typically mirror the proportion of members from each party elected to the full chamber. To illustrate this principle, consider a parliamentary chamber that is made up of three political parties: 50 percent of the chamber's seats belong to Party A, 30 percent to Party B and 20 percent to Party C. Seats on committees will generally be available to members of each party at roughly similar proportions—half of a committee's seats will be allotted to Party A, 30 percent to Party B and 20 percent to Party C.

In many legislatures, certain committees deviate from this party ratio norm by rule. Ethics-related committees, for example, may be required to have equal representation across parties in an effort to minimize partisan motivated behaviors. On other committees, particularly on ad hoc or select

committees, a panel's membership may be decided by chamber or governmental leaders without regard for party affiliation.

## **b. Role of Chair**

In most legislatures, committee chairs enjoy outsized influence over nearly all aspects of their panel's activity. As leaders, committee chairs establish the committee's agenda, call and preside over committee meetings, schedule and chair public hearings, speak on the committee's behalf (inside and outside of the chamber), cultivate legislative strategies, decide points of order within session, and maintain order within committee's work. If available, the committee chair also makes the final decisions on hiring and firing of committee staff.

The rights, duties and expectations of committee chairs are often itemized within a parliament's rules of procedure. Consider the host of responsibilities ascribed to committee chairs within the rules of procedure for the Georgian Parliament:<sup>47</sup>

### **The Committee Chair:**

- a) Leads the activities of the committee, convenes and presides over committee sittings;
- b) Represents the committee in the Parliament, outside of it and in relevant inter-parliamentary relations;
- c) Signs the committee conclusions and protocols of its sittings;
- d) Provides general supervision to the committee office;
- e) Organizes development of the annual action plan of the committee;
- f) According to the annual results, submits a written report to the Parliament on activities no later than two weeks before the start of the spring session;
- g) Issues a directive on the internal organizational issues of the committee;
- h) Exercises the powers provided to him/her by the rules of procedure and other legislative acts.

A chair's power of agenda control—or the authority to decide what and when the committee takes up an issue—is of particular importance. Through the ability to schedule hearings, debates and markups, the committee chair effectively determines the timing and speed of committee work. Although many legislatures give non-chair committee members avenues to force committee actions, most expressly grant the chair the authority to schedule committee sessions. Importantly, this authority often empowers the chair to block or ignore issues on which the chair does not want to spend committee time. In some systems, such as in the United States, committee leadership also often includes a ranking member or vice chair from the minority party. Though the ranking member does not have power to control the agenda, they often work directly with the chair to inform the agenda and support overall committee decisions.

The process for electing committee chairs varies from legislature to legislature. Options include secret ballots submitted by a panel's members, election by members of a chamber's political party, appointment by chamber and/or party leaders, accepted recommendations put forth by the executive, or majority election by the entire chamber's membership. Most parliamentary committees also elect deputy or vice chairs who serve under the committee chair, and oftentimes represent the interests of another political party within the panel.

## **E. Member Appointment**

Appointment of MPs to individual committees does not happen haphazardly. Political parties, chamber leaders and members themselves often put much thought into committee assignment decisions of their members. From the members' perspective, committee service represents the best opportunity for them to represent the issues most important to their respective regions, economies and constituents. MPs who represent farmlands or an agrarian-dependent economy, for example, are highly motivated for an appointment to a legislature's agricultural committee.

An MP's previous educational or occupational experience are also major factors in committee assignments. In fact, the rules of procedure of Afghanistan's National Assembly make this consideration explicit in writing, "education and experiences of each member is the primary criteria for having membership" on a committee.<sup>48</sup> Additionally, an increasing number of legislatures, such as the Assembly of the Republic of North Macedonia, require that committees factor in gender and other member-level characteristics when finalizing membership.

Parties also consider a variety of factors when generating their committee appointment recommendations. More high-profile committee assignments are often reserved for party loyalists or lawmakers with a proven track record of legislative accomplishment. Certain assignments can also be used to increase a constituency's support of a particular lawmaker, especially if the party is concerned about the MP's future electoral prospects.

Committee appointment procedures and restrictions vary considerably from parliament to parliament. It is common for a legislature to establish rules or limits on the number of committees on which MPs can serve. Most parliaments allow service on multiple committees, though some prohibit MP service on more than one standing committee. Some legislatures, led by their party leaders, solicit committee assignment requests from their members. Other parliaments give chamber and party leaders wide discretion in making the appointment decisions. No matter how they are generated, committee assignment recommendations are generally required to be adopted by the full membership of the chamber, most often by majority vote.

## **F. Committee Staffing**

### **a. In-House Staff**

In many legislatures, committees are granted resources to hire staff to help them execute the many committee work products previously discussed. In others, an MP's personal office staff can be assigned to cover the MP's committee issue areas. These committee staffers typically work behind the scenes and in support of the committee's stated goals and objectives. Whereas committee work is only one aspect of an MP's elected responsibilities, for committee staff, the panel's issues constitute their entire work portfolio. As a result, committees and their members rely heavily on their hired staff as committee issue experts and as engines of legislative productivity.

Committee staff are active at all stages of the policy and oversight processes, including during periods where the MPs are performing other institutional or representational duties. Staff often take the lead on legislative drafting and research, develop communications or public outreach strategies, arrange hearing witnesses and schedules, author MP talking points, and lead day-to-day committee investigation efforts. Because of their expertise, it is not uncommon for committee aides to make voting recommendations or to provide bill summaries to MPs serving on the panel.

Legislature rules differ on who maintains authority to hire and fire committee staff, as well as the partisan balance of committee staff. Some legislatures and committees require that all staff conduct their work in a nonpartisan manner and make themselves equally available to all panel members no matter their party affiliation. Others allow each party to hire their own committee staff and specify their workflows as they deem necessary. Still others make institutional expert staff, such as employees within independent parliamentary offices, available to committees on an as-needed basis.

## **b. Outside Experts**

For those legislatures that do not provide adequate committee staffing resources (and oftentimes in addition to their own internal staff), committee members regularly rely on outside experts to assist them with committee matters. Academics, researchers, practitioners, state and local government officials, agency bureaucrats, and private sector stakeholders can be called on by committees to provide off-the-record briefings, submit expert testimony, serve as a committee witness or advise the committee or its members on potential actions. Individuals who previously served within the legislature and committee can also be a valuable source of institutional memory to committees.

## **Additional Committee Resources**

- *About Committees and Committee Materials*, U.S. Congress, Library of Congress
- *Rules Governing House Committee and Subcommittee Assignment Procedures*, Congressional Research Service
- *A Quick Look at Parliamentary Committees*, European Parliament
- “Parliamentary Committees,” World Bank Group

## **Key Takeaways**

1. Through their itemized issue jurisdictions, parliamentary committees provide an essential division of labor for the chamber and its members. Doing so not only results in a more efficient, concentrated policymaking process, it also allows members opportunities to specialize on issue areas important to their constituents.
2. A variety of committee types are used within parliament. The common types are standing committees, which carry over from one legislative session to the next. Others—such as special/select, temporary, joint and conference—are commonly used to meet the needs of MPs and the legislature.
3. Committees lie at the heart of the policymaking process in parliament. They are intimately involved at every stage of the legislative process, from research to bill drafting to spearheading oversight efforts.
4. Committee chairs enjoy strong influence over the committee’s work. Among other authorities, chairs call and preside over committee meetings, hearings and markups; determine the committee’s legislative calendar; and act as the committee’s spokesperson to the media and other members.
5. While committee members commonly develop an expertise on the panel’s issue areas, committee work is informed by a host of outside expert witnesses. Academics, practitioners, special interest groups and executive bureaucrats are commonly asked to provide expert testimony to committees.

When putting together an NMO, a variety of formats can be used, including gathering at a remote location for a retreat-style overview along with all members, or a dedicated weeklong training period prior to the start of a new legislative session. Lengths of sessions will depend on the amount of information

to be covered and may include a combination of presentation or seminar-style lectures, in addition to moderated discussions. A few NMO speaker suggestions, as well as potential questions to guide these sessions, are provided below.

### Potential Orientation Speakers

- Former and current MPs, particularly those who have served as committee chairs or long-serving committee members.
- Former or current committee staffers who are familiar with the role, functions and work products of parliamentary committees.
- Former or current executive branch officials who have regularly dealt with committees in their administration of parliamentary policies. Executive-parliamentary liaisons may provide particularly valuable insight into the back and forth between the two branches of government.

### Potential Orientation Questions

- Why are certain types of committees used in particular instances? How do the various committee types differ and how do they help MPs and parliament meet their many demands?
- Why are committees known as the engines of the legislative process? Why are members more likely to exert their influence within committees when compared to the chamber floor?
- Why would individual MPs be incentivized to specialize in a committee's specific issue areas? What benefits or influence can be engendered by specializing?
- What are common good practices for committees looking to effectively oversee the executive branch? How can committees foster better, more productive relationships with executive branch departments?
- What is the role of the minority party (and its individual members) within the committee? How can they be productive, helpful members of the larger committee organization?



Members of parliament from Afghanistan, Kenya, Mongolia, and Pakistan met with HDP commission member, Congresswoman Gwen Moore, to discuss good practices for legislative budgeting and oversight. (NDI, 2014)

## VIII. Member Offices

As has been discussed throughout this manual, MPs serve in many roles simultaneously: policymaker, representative and overseer of the executive. Perhaps the most commonly overlooked role of an elected MP, however, is that of leader of their own member office.

As the elected public official, MPs as individuals receive the vast majority of attention for actions taken. But very rarely do MPs work alone. In most legislatures, particularly those that allocate resources to hire staff, the MP is the head of a small legislative enterprise that works, often behind the scenes, in support of the parliamentarian. Even in legislatures that provide no personal or institutional staff, being an MP involves various managerial and administrative tasks. Among many others, these include selecting and maintaining office space, directing volunteers, scheduling, constituent service, and recordkeeping.

Outside of enumerated rules, constraints or limits on behaviors, most countries' rules of procedure or founding documents give little direction on how individual MP offices are to be organized or run. As such, MPs typically enjoy wide discretion on a variety of important intra-office elements, such as office priorities and workflows, organizational structure, goals, human resource management, and MP time management. Each of these are critically important to maintaining a high-functioning member office.

### A. Setting Strategy

A common thread between legislatures around the world is the simple reality that MPs have more to do than time in which to do it. As a result, it is common for MPs—and by extension, their staff—to feel that they are only barely responding to, rather than advancing, the needs of the office and their constituents. A detailed office strategy, such as one that outlines office organization, hierarchy, protocols and workflow, can markedly help an MP and their office prioritize the office's functions and maximize its day-to-day efficiency and productivity.

Informed strategic decisions lay the foundation for important office considerations, such as what types of staff the office needs to maximize productivity and the triaging of constituent needs or lawmaking wishes. Detailing an office strategy helps the member and their staff articulate acceptable trade-offs for MP and staff time. It also establishes expectations as to what work should be completed in what order and guides the deployment of office resources. Conversely, unclear or undefined office strategies cause confusion within the office and amongst its staff, which ultimately can lead to important work products being neglected or insufficient time being dedicated to tasks prioritized by the MP.

As the leader of their office, the MP most often takes the lead in specifying the office strategy and setting the tone for their desired office culture. This is equally important for MPs who have just one staffer supporting their efforts, and for those who have robust staffing operations or multiple offices. Successful MPs recognize that their office works as an extension of themselves, often in their name, and many times when they are busy with the many demands of their role. Setting a clear office strategy, particularly early within the legislative term, ensures that the member's office works in support of the goals and values of the MP even if they are not personally in the room guiding the decisions. In this way, an office strategy provides an agreed upon framework for office decision-making.

Importantly, the office strategy can evolve or change depending on political developments. As such, MPs and any available staff should regularly revisit and review their office strategy and determine if what was previously established is still the best plan for serving the MP's interest. Any office strategy changes

should be made clear to all members of the office, for example, in an office manual, including reasons behind the adjustments and how they now contribute to the office's overall mission and productivity.

### Developing an Office Manual

An office manual is a comprehensive guide on office rules, regulations and practices. Such a manual can assist new staff, those who may have held the position before but have moved into a new area of responsibility and staff who are maintaining their current position in the office but would benefit from a clarification of office organization and function. All staff should read the office manual when they are hired and sign a contract that the chief of staff or administrative manager keeps a copy of. The chief of staff and administrative manager are responsible for maintaining and updating the office manual over time. Typical office manuals include the following:

- Date office manual was produced (print this on front of manual)
- Table of contents
- Information about the representative (bio, background)
- Office hours
- Dress code
- Staff organization, roles and responsibilities
- Staff benefits and compensation
- Staff leave allotments (holiday and sick/personal)
- Conditions for staff release
- Holiday office closures (national and/or religious)
- Emergency procedures
- National laws that govern political office staff or government employees at large
- Rights of the employee with regard to taking other jobs or involvement in outside organizations
- Guidelines on employee notification of change in employment (i.e., how much time and notice the employee should give if he or she decides to leave the office)
- Staff confidentiality clauses (i.e., citizens' concerns are confidential)
- Press regulations (i.e., no talking to the press unless designated)
- Social media regulations (i.e., guidelines on what is allowable for posting on social media)
- Personnel rosters with contact numbers

#### a. Role of the MP

One of the first considerations in setting the office's strategy is thoughtful reflection on what type of MP the parliamentarian wants to be. The role of an MP is not best thought of in monolithic terms; there is no single way to be an effective MP. Indeed, even the definition of effective is conditional on the personal values of the member and the needs and wants of their constituents.

Taking time to conceptualize the MP's idealized role in the legislature and as a representative can pay enormous dividends in setting the office strategy and prioritizing the time and work of all office

resources. At its core, this is a personal MP decision and depends heavily on the MP's personal strengths and weaknesses, previous experience, motivations and ambitions, and constituents' expectations and needs. Other factors, such as party needs, electoral circumstances or seniority within parliament, can also heavily influence an MP's role in the legislature. Decisions on the MP's role can and should be made in consultation with personal and political allies, other MPs, party leaders, and available office staff.

Clarity about the MP's idealized role makes it easier for the MP and their staff to make consistent and reasoned decisions on all matters and office-related tasks. Mutual acceptance of the MP's role will also help all office actors better anticipate the needs of the member, thereby helping eliminate time and productivity inefficiencies within the office. Just as importantly, understanding the MP's role can greatly assist offices in identifying issues, projects and undertakings to which the MP or their staff should not commit time or energy.

To help define their ideal role, MPs should ask themselves broad questions about their duties and how they define success in their role:

- Are the best MPs those that focus primarily on responding to constituents' needs through constituent service?
- Or is the MP who becomes a policy leader on an important issue area the more effective public servant?
- Or should the MP see themselves mostly as a party supporter whose mission it is to advance the goals and message of their political party within the institution?

Answers to these questions help member offices chart their optimized pathways. Three commonly found MP roles can serve as broad templates for MPs contemplating their roles:

1. **Policymaker:** Perhaps the most commonly understood role of MPs, policymakers are those who see their job primarily to draft, debate and advance bills within the legislature. Consequently, policymakers devote much of their (and their staff's) time to legislative research, committee work and coalition building within the chamber. Policymakers are often politically pragmatic: *they understand what is possible in a given political climate and appreciate that change is often incremental rather than wholesale*. Policymakers understand the importance of procedures, are strategic in their planning and are typically disciplined in their work to become known experts on a few specific policy areas.

Successful policymakers often work to attain privileged institutional positions, such as committee chairships. They also recognize the value of building relationships, regularly have strong personal people skills and find negotiating legislative compromises interesting and fulfilling.

2. **Constituent Servant:** Many MPs see their elected position primarily as a vehicle to provide for their constituents and specific districts or regions. In this effort, they focus much of their time and resources on maintaining strong and direct lines of communication with their constituents so as to better understand and advance their direct needs. Though they often have strong policy preferences, constituent servants would generally rather spend time on casework or helping constituents navigate the country's bureaucracy than brokering policymaking bargains.

Constituent servants also commonly have strong interpersonal skills, value listening to individual stories, and value customer service processes and goals above others.

3. **Party Supporter:** Some MPs, especially those who were selected for their seat by party elements, see their primary responsibility as supporting and promoting their party's goals. Party supporters generally rely on party-provided policy platforms and talking points to guide their individual decisions, and value messaging and communications strategies to advance broad ideological agendas. Party supporters are generally strong organizers, good team players, and are more willing to spend time and resources on messaging.

Of course, all MPs will play each of these roles at various times during their service and many times all at once. Clear prioritization of one, however, can provide valuable direction for the MP and their personal office, as well as structure the day-to-day decision-making of the office in pursuit of the MP's idealized role within the legislature. It is important for MPs to prioritize commitments in relation to their various responsibilities. Prioritization will depend on several factors, including party, leadership, constituent and institutional priorities. Prioritization also requires consistent evaluation of current and relevant events impacting one's constituency. For example, if there is an emergency in one's district, or a national issue taking focus away from other more nuanced demands, it will be important for MPs to focus on those acute events and communicate with constituents who have other priorities or demands that these issues will receive attention at a time following the crisis. It is also important for MP operations to maintain proper staffing that can allow all priorities to be collected and responded to so that the MP always remains aware of issues requiring their attention.

#### **b. Office Goals**

In addition to articulating the member's role within the legislature, specifying office goals is another crucial element to setting an overall office strategy. Discussion and itemization of office goals begins with a strong understanding of what the MP and their office most value. Values can be related to policy advancement, constituent service, messaging or representation of particular overlooked populations. Office values help inform the intra-office culture.

Defining office values is a critical first step for MPs and their offices for finding success under harsh time constraints. By knowing what is important, the office can distinguish between critical and non-critical tasks. Doing so helps focus MP and staff attention on duties that advance the values of the organization and ensures that resources are spent performing important tasks well instead of many tasks (some unimportant or nonurgent) averagely. Successful MPs understand that their time is their most valuable resource, and as such, should be used in support of the tasks and duties they most prioritize.

Once the values of the office are determined, members of the team, led by the MP, can begin to state specific goals and how to advance them. This is also a time for the MP to specify what is expected from team members to achieve these goals. Office-level goals can take on any number of forms or involve any aspect of the MP's responsibilities. Below are examples of office goals for new MPs and their offices to consider:

- Passage of a certain number or type of bills
- Advancement of a specific policy or bill out of committee
- Adoption of a minimum number of amendments within a committee or on the floor
- Appearing in print and electronic media a certain number of times
- Sending out a weekly newsletter
- Hosting a certain number of district town halls

- Answering all constituent mail within a specified time frame
- Attending every committee markup with prepared remarks
- Hosting stakeholder meetings on community projects once a quarter

Goals should be specific both in quantity and duration. They should come with clear, measurable deliverables and end dates so the office can easily identify areas of success and where there is need for improvement. Office goals should also be realistic in that they are achievable and not entirely dependent on luck, circumstances or outside actors for actualization. When considering office goals, strengths of the office members should help inform decisions. For example, if a legislator only has one legislative staffer, but access to multiple casework and outreach staff, they might want to prioritize casework and outreach as primary goals for the office. Goals could also be identified through political and policy opportunities available to the MP and the office, or the needs and expectations of constituents.

To serve as a focal point of office actions and as a reference guide to current and potentially new office members, decided upon goals and resulting office expectations should be put into a written office plan. Doing so forces explicit articulation of what the office expects from its members and as a guidepost against which to measure their success. Written office plans should be routinely revisited and updated as new conditions warrant.

## **B. Management Structure and Processes**

In addition to articulating the office's priorities and goals, it is essential that an MP's office takes time to think through its ideal organizational structure, decision-making processes and workflows.

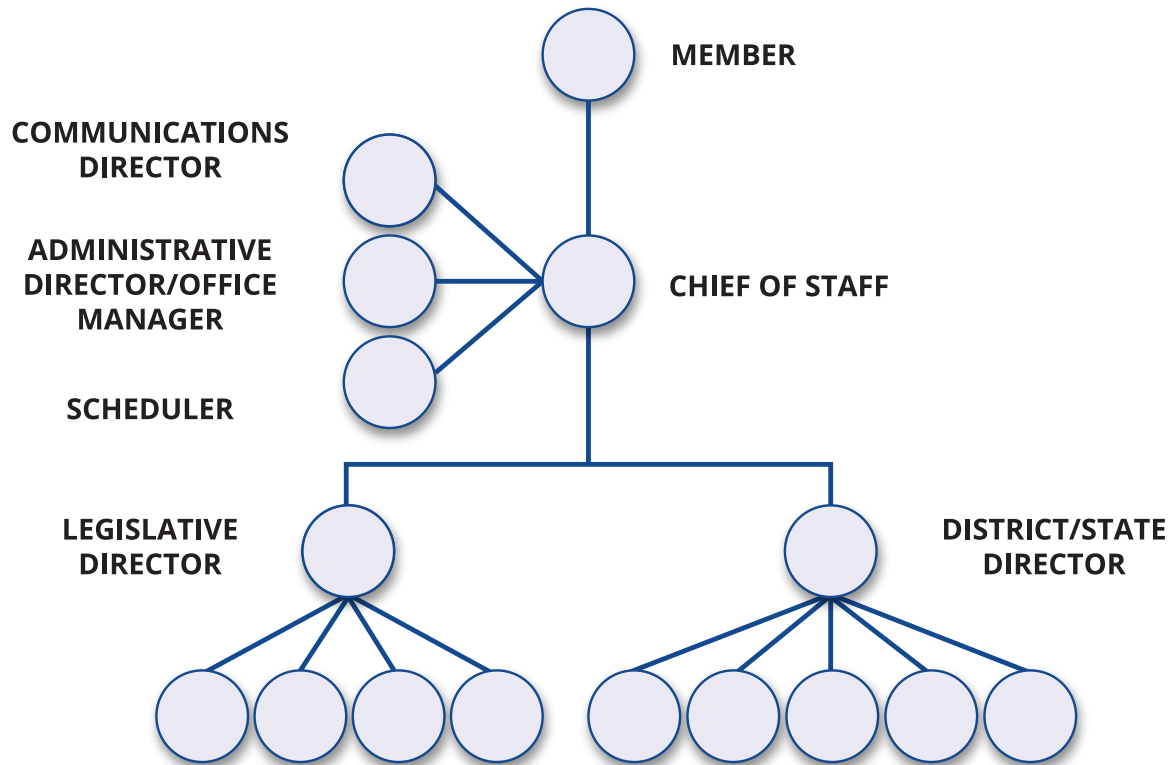
- Beyond the MP, who maintains decision-making authority within an office?
- What issues or topics are covered by whom?
- Who is responsible for answering the phones and mail, and what is the office hierarchy?
- Does the MP prefer to receive information via memos, briefings or a combination?
- A shared understanding of how the office is to operate is essential for maximizing productivity.

### **a. Defining Organizational Structure**

Member offices, especially those with multiple staff, require an organizational structure to provide clarity to office operations and management of office employees. An explicit organizational structure provides acknowledged lines of authority, cleanly delineates responsibilities and increases accountability between office members. It also decreases the likelihood that staff work in pursuit of personal rather than office goals and values.

Typically, an office organization relies on a mapped-out office hierarchy which visually specifies office employees, their roles and titles, and intra-office chains of command. It visualizes the office management structure, almost universally with the MP at the top of the organizational pyramid. Lines of authority and management are then mapped to other office members.

### Sample Office Management Structure (U.S. model)



Specifying who reports to whom is beneficial to the office and MP for a variety of reasons. Most notably, it increases office productivity because it allows for delegation of tasks along clear lines of duty. Micromanagement is a common barrier to high-functioning offices; the MP cannot and should not be involved in every office decision. A strong relationship, built on trust and understanding of mutual goals, between the legislator and their chief of staff (or most senior staff member) is key to ensuring the staff structure is properly managed without high levels of direct engagement from the MP.

The type of office hierarchy depends heavily on the goals of the office, the personalities of the MP and staff, and the desired office culture. For example, if the MP values knowing the day-to-day activities of each of their staff, they create a structure wherein multiple people report directly to the MP. Conversely, if the MP is more comfortable with delegating, a more vertical organization is common wherein a more trusted senior staffer serves as a gatekeeper of information and access between office members and the MP. Because each organization model comes with different trade-offs, advantages and disadvantages, each MP should thoughtfully consider the model that best suits the particular dynamics and vision of their respective office.

#### **b. Outlining Office Processes and Workflows**

Following the establishment of an office organizational structure, MPs should also be intentional in outlining their preferred workflows within their office. Establishing clear office processes can greatly help minimize inefficiencies, provide clarity to office members about how best to serve the interests and goals of the MP, and increase the overall morale of office employees.

While not exhaustive, some important workflow items for each MP and legislative office to consider are:

- How much and how often will the MP meet with staff, and how and when should staff seek the approval of the member?
- Job tasks and associated timelines for each office employee, including important activity markers or expectations of duties
- Importance and frequency of intra-office meetings, including duration, preparation of agenda, note-taking and follow-up
- Office communication processes, including guidelines regarding what should be communicated in writing versus orally, and how the MP and senior staff prefer receiving specific forms of communications
- Ensuring that staff feel they have adequate access to the MP and are comfortable with specified lines of authority and communication
- Record keeping of constituent contacts, requests, meetings and schedules

Just as the goals of the office can change depending on external developments, so too can the office organization and processes. The most effective workflows depend on the number, skills and capacities of the MP and office staff and the legislative calendar and institutional workload. The most successful offices and MPs are those that recognize changing intra-office dynamics and needs, and are able to adjust their processes and organizational structures accordingly.

### C. Scheduling MP Time

The most valuable resource for all MPs is their own time. Due to their long list of lawmaking and representational duties, MPs are constantly facing demands for their time and attention. Policies, committees, constituents, district needs, stakeholders and staff all compete for scarce space on an MP's daily calendar. Because the MP cannot be in multiple places at once, this reality often produces difficult opportunity cost decisions on the part of the member and the member's office: time spent doing one thing leaves fewer hours to be devoted to others.

As a result, scheduling the MP's time well should be considered an office-wide priority guided by several key principles. **First, events and activities on the MP's schedule should be purposefully booked for the purpose of advancing or achieving the stated goals and priorities of the office.** For example, if the MP values constituent service above all else, a greater share of MP hours should be devoted to activities in which they are involved with constituents. For MPs who see themselves as issue area experts, a greater proportion of their schedule should be allocated to committee work, legislative research and bill drafting.

Notably, every MP, by virtue of their position and responsibilities, will have many obligations—like party meetings or ceremonial events, for example—that may not directly align with their individualized priorities or goals. Committing precious MP time to such activities is largely unavoidable. However, it should be the goal of the office to minimize non-prioritized commitments.

**Second, MP time should not be scheduled randomly, or on a first-come-first-serve basis.** It should be calculated and strategic, where as many hours as possible serve a direct purpose. Simply because the MP has an available slot in their schedule does not mean it should be given away to whomever asks for it

first. MPs and relevant staff should maintain a clear working understanding of what duties, issue areas and populations should receive scheduling priority.

**Third, scheduling the MP's time should be considered as a proactive rather than reactive practice to the greatest extent possible.** Instead of responding to those who ask for the member's time, MPs and their staff should purposefully seek the most beneficial opportunities and audiences for the MP to act on their priorities. This may include proactive searches for promotional events, media interviews, district town halls, or opportunities or coalitions for progressing an important office policy or message. There may be instances where scheduling is reactive, such as in an unexpected event, crisis or if the MP is summoned by the executive. However, even in these instances, providing regular time on an MP's schedule to maintain flexibility and plan for those potential unexpected events is critical. This will be described in more detail below.

Relatedly, when scheduling MP time, research pays off. Before booking any MP time, the MP and their staff should understand why the time was scheduled, who it has been scheduled with, what is expected of the MP during the booked time, and how it benefits the MP and the office. To help provide answers, it may be necessary for the MP or their staff to quickly investigate those who ask for MP time, including their reputations, work histories, successes and failures.

**Fourth, in order to maintain a healthy and sustainable work-life balance, it is imperative that the MP and scheduler block out sufficient personal MP time.** These hours should include important family dates, such as birthdays and graduations; any vacation time; and hours that the MP can temporarily escape from the demands of their office to recharge and refocus. It is critical that the MP provide an honest personal assessment regarding how regularly and how much personal time needs to be built into the office's schedule for them to maximize their effectiveness as an MP.

**Finally, the most common answer to anyone asking for the MP's time will be no.** There simply is not enough time to say yes to all incoming invitations and requests for a member's time. It is important that the MP and person responsible for scheduling (even if it is the MP themselves) be able to firmly, yet respectfully, decline invitations. This often-overlooked skill prevents overscheduling the MP, which in turn, prevents burnout. It also minimizes the chances of audience disappointment if the MP is forced to leave sooner than the audience expects for their next scheduled appointment or seems distracted with other business during their time together.

#### **D. Hiring Staff**

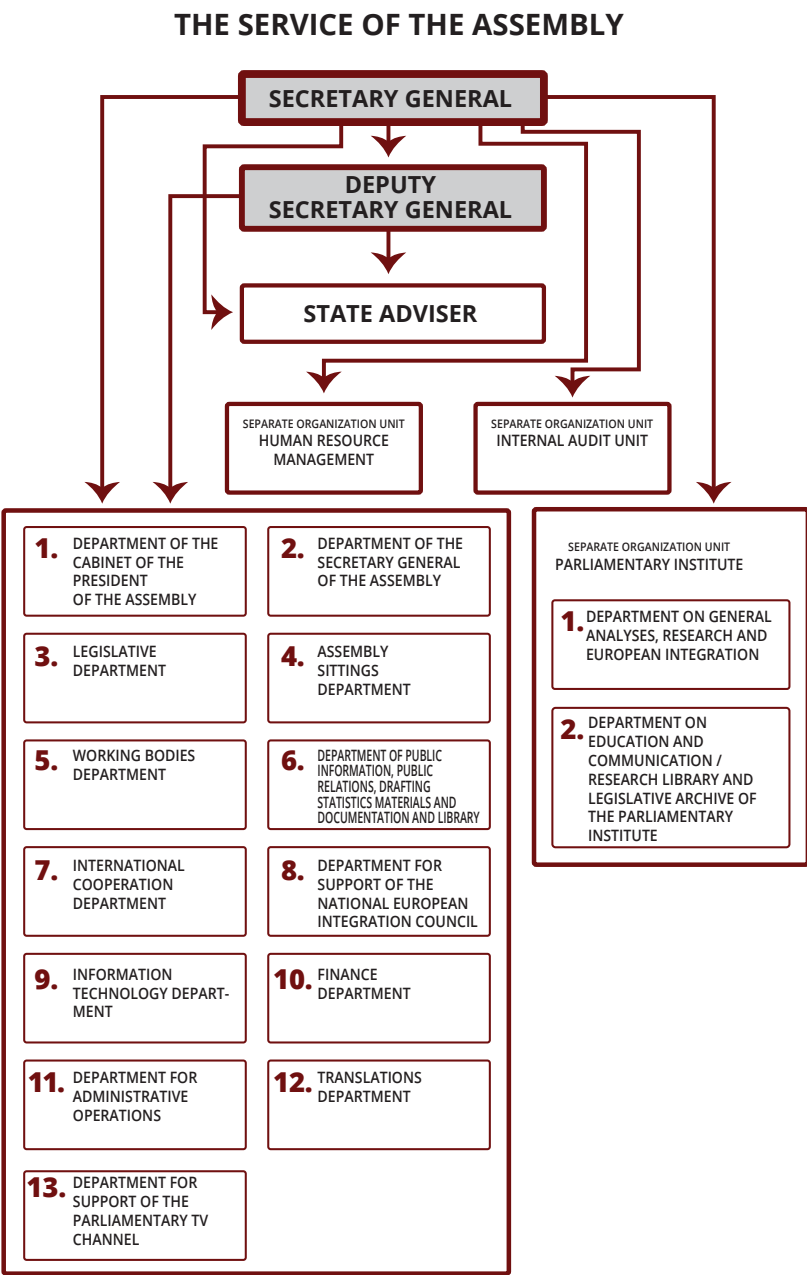
For legislatures that allocate resources for hiring staff, purposeful and thoughtful hiring practices can greatly add to MP and office productivity. Because of the intense time constraints on MPs, staff, including unpaid volunteers, perform much of the day-to-day work of a member office, executing important tasks from scheduling to bill drafting. Staff are hired to work on behalf of the member and their office, and in support of their outlined goals and priorities. In some systems, MPs rely on party volunteers to support legislative action. For example, in Tunisia, MPs rely often more significantly on volunteers to inform policy development through the lens of party and constituent priorities.

#### **Global Legislative Staffing Practices:**

Legislative staffing differs globally depending on resources allotted to the legislature, and its overall operations. In some systems, MPs have multiple individuals supporting their offices both in the capital and their home district. In other systems, MPs have just one assistant or volunteer to support multiple

responsibilities. Committees are also often afforded expert staff—as are research and analysis offices—who may also serve in an expert capacity to inform an MP’s actions and decision-making. The following outlines some examples of legislative staffing in different countries:

- **Armenia:** In the Armenian National Assembly, MPs are afforded typically one parliamentary assistant and one unpaid volunteer assistant to support office functions. Additionally, committees and factions often have designated staff who support multiple members in carrying out responsibilities related to those jurisdictions. There is also a robust network of parliamentary staff, including a secretariat, legal analysis department, budget office, research center, human resources department, citizens’ admission and case tracking department, and public affairs and protocol department.



- **Liberia:** In the Legislature of Liberia, MPs are afforded multiple staff to support affairs in both the capital and district or county offices. All staff are provided with succinct responsibilities that align with important priorities of the MP, including leadership, communications, office management and district outreach. Additionally, expert resource staff support the legislature through independent offices, such as the Legislative Information Service and Legislative Budget Office.<sup>49</sup>
- **North Macedonia:** In the Assembly of the Republic of North Macedonia, MPs do not have individual staff support. However, they can get training and objective research from the Assembly's Parliamentary Institute.<sup>50</sup>
- **The Gambia:** In the National Assembly of The Gambia, MPs share the support of expert legislative staff who are trained to provide legislative drafting, policy analysis and general support to all, regardless of party affiliation. The National Assembly also has central staff dedicated to communications, constituent engagement, and support to the clerk and secretary general on maintaining and updating the institutional archive.

Though they generally work behind the scenes, staff are critical extensions of the MP and perform tasks—like responding to constituent mail—in the member's name. In short, because of the increased bandwidth and attention hired staff provide, staff allow a member to conduct more work in their own name than the MP would ever be able to do on their own.

No matter how well or clearly an office defines its values, culture, goals and workflows, hiring a staffer who does not support, understand or fit the office's preferences can severely negate any productivity increases the staffer was hired to provide. Moreover, wrong staff hires can negatively impact other working members of the office and detract from the collective capacity of the legislative enterprise.

Thus, purposeful hiring is critical. To maximize office productivity and protect and improve the desired office culture, much thought should be put into hiring the right staff for the right job. Before posting any job descriptions for office positions, MPs should carefully consider the following hiring recommendations:

### Recommendations for hiring staff

1. **Be purposeful in job listings—hire for office needs.** No MP has unlimited resources to hire staff. As a result, offices must be purposeful and thoughtful about what jobs are absolutely necessary to achieve office goals. MPs and other staff should carefully examine office output relative to their stated goals and identify where there are needs for additional support. Asking broad questions can help this process: *Is the office falling behind on constituent service response times? How can we increase the number of stakeholder engagements? How can we ensure that the MP is better briefed on committee issue areas?* The answers will help inform what roles are needed and what types of candidates would be most helpful to fill the void.
2. **Specify job duties and desired qualifications before conducting interviews.** The fundamental goal in any hiring process, including within the legislature, is to hire the right person for the right job. To narrow the candidate pool to those most interested and qualified, potential applicants should have a strong understanding of what the job would entail, including an itemized list of tasks and necessary qualifications.

This requires a detailed job description. Thoughtful descriptions honestly inform potential applicants of what to expect of the role—hours, pay, tasks—and what qualifications are necessary or preferred to successfully fill the need. This information should not be provided during the interview stage. Vague job descriptions will mean more time spent interviewing candidates who are neither qualified nor

interested in the role. Targeted job descriptions will result in a positive self-selection of candidates to be interviewed.

3. **Hire staff who support office priorities and fit with office culture.** Another important element of purposeful hiring is seeking and hiring staff who not only understand the goals and priorities of the MP and their office, but also fully support them. Staff work on behalf of the member, not themselves. This means it is essential they are comfortable pursuing the interests and priorities of the office. When there is a disconnect between the priorities of the staff and those of the office, morale and productivity suffers, and staff exits are more likely. Seek candidates who are able to articulate how their personalities, skills and personal goals match with the MP's and office goals, and desired office culture.
4. **Involve multiple current staff in the interview process.** Though the MP often retains final hiring authority, including multiple perspectives in office interviews will maximize the likelihood of making a successful hire. Staff who perform different duties within the office can bring additional insight from a variety of vantage points. This practice ensures a more holistic description of the office is provided to the applicant. Additionally, current office staff are often the individuals who can speak best about the day-to-day processes and needs of the organization. Consequently, they can ask more targeted questions of applicants as to how they would help the office carry out its many responsibilities.
5. **Seek staff who provide diversity of thought, backgrounds and perspectives.** More diverse offices are more thoughtful, creative, innovative and productive. Diverse perspectives—ideologically, racially, socioeconomically, geographically, sexually, and on religious and gender lines—greatly contribute to a more inclusive, tolerant office culture, and yield substantial benefits to the office's workflows and decision-making processes. Diverse staffers are better able to represent the many perspectives and needs of constituents, particularly traditionally overlooked and underrepresented populations. They also ensure that office problem-solving strategies include a multitude of viewpoints, which often results in more creative and effective solutions.

**Provide onboarding materials, including an office plan, to new hires.** The work of the legislature does not slow down or stop to allow a member's office to spend time interviewing, hiring and training new applicants. This often means that newly hired staff are forced to learn many aspects of their new positions on the job. Providing a training manual—complete with answers to frequently asked questions or written instructions on how to complete certain duties—can save the office and the new hire much time learning the ways of the office. New hires should also receive a copy of the office plan, which specifies the office values, organizational structure, goals, productivity markers and expectations. New hires should also be provided a contact list of important legislature and governmental staff that may be necessary to their job duties, such as certain ministry contacts to assist with constituent service requests. Finally, all new employees should be briefed on ethics requirements and expectations of parliamentary staff.

**Be honest with job candidates about the pros and cons of the job.** Constant turnover of staff can be detrimental to an office's productivity. Each new hire takes hours away from performing necessary office tasks to post the job advertisement, conduct interviews, and train new hires. One of the best ways to mitigate office turnover is to be forthright with job candidates about the advantages and disadvantages of the job and legislature work more broadly. Most legislatures are fast-moving and high-pressure environments. Staff work can be relentless and seemingly never-ending. It can involve late and uncertain hours, and many times, unsatisfactory outcomes. Discussing these realities with potential employees can

help applicants decide if this work is right for them and their skill sets. It also helps staff enter the office environment with a more informed understanding of what to expect, thereby decreasing the likelihood they will be soon disappointed and leave the office looking for a replacement.

In addition to hiring permanent staff, many legislatures also solicit interns, fellows and other temporary staff to support offices, committees and factions. Temporary staff can come from a variety of backgrounds, including universities or executive offices and agencies. Temporary opportunities offer an important way to build civic education among interested youth and professionals who are interested in entering public service or gaining exposure to legislative operations and business. They are critical to enhancing education and understanding among interested individuals, while bolstering the professionalism and capacity of the institution overall. Temporary hires significantly support office resource management, constituent data and tracking, and permanent staff to carry out responsibilities on behalf of their MPs.

## **E. Office Resource Management**

While time and staff are commonly labeled an MP's most valuable resources, member offices rely on a variety of other institutional resources to help carry out their many tasks. Effective offices and MPs recognize that efficient oversight of available resources is critical to a high-performing office. Many of these available resources are overlooked or forgotten in the hustle of day-to-day MP operations. While they may seem unimportant, items such as stationery, business cards, office supplies and furniture, computers, communication equipment, and office technology provide the working infrastructure for the MP and their staff to carry out their duties. An office employee should be responsible for tracking and overseeing office resource needs, including identification of missing items or office wants that are not provided by the institution.

It is also imperative that the member offices know the correct legislature-approved processes, limits and contacts in how to restock or purchase office supplies or other institutional resources. For example, if a legislature provides resources to rent and maintain a district office, the member's office should be proactive and knowledgeable about how to acquire those funds, what limits are in place to those funds being spent, and how to properly report expenditures and to whom. Neglecting the rules and processes established by the legislature can result in ethics violations and huge time losses to retroactively adhere to institutional guidelines and requirements.

### **Additional Member Office Resources**

- *90-Day Roadmap to Setting Up a Congressional Office*, Congressional Management Foundation
- *New Member Resource Center*, Congressional Management Foundation
- *Building Public Trust through a Responsive Parliament: A Quick Guide to Constituency Outreach*, National Democratic Institute

### **Key Takeaways**

1. While MPs are the faces of their personal offices, they hardly ever work alone. MPs are regularly assisted in their many duties by hired staff and volunteers, forcing MPs to consider a wide range of human resource and management issues that are commonly overlooked when being elected.
2. Clearly defined office strategy and culture are critical to prioritizing office functions. MPs should take time to specify the role they envision themselves playing within the legislature, then design an office strategy and schedule that will contribute to the MP mastering that role.

3. The most successful MP offices are those that spend time outlining an office management hierarchy, preferred information flows, and establishing quantifiable and achievable office goals.
4. Because of their many and varied duties, the most valuable office resource is time, particularly for the MP. Member time should be scheduled purposefully and dedicated toward items that advance the MP's and their office's goals and priorities.
5. For offices with allocated resources to hire staff, purposeful hiring is critical. MPs should hire for specifically identified office needs, seek staff who will promote the office culture, diversity, and bring needed qualifications and perspectives to the office.

When putting together an NMO, a variety of formats can be used, including gathering at a remote location for a retreat-style overview along with all members, or a dedicated weeklong training period prior to the start of a new legislative session. Lengths of sessions will depend on the amount of information to be covered and may include a combination of presentation or seminar-style lectures, in addition to moderated discussions. A few NMO speaker suggestions, as well as potential questions to guide these sessions, are provided below.

### **Potential Orientation Speakers**

- Former and current MPs, particularly those who have served within parliaments that provide staffing resources.
- Former or current officials' personal office staff, especially those with long tenures as parliamentary staff. Such individuals can provide valuable insight into the role played by staff, including personal experiences of good and bad office management practices.
- Former or current parliamentary human resources staffers. Human resources staff can speak to effective hiring strategies, good practices regarding staff management and provide examples of particularly successful onboarding techniques for newly hired staff.

### **Potential Orientation Questions**

- What does purposeful hiring mean? Why is it essential to maximizing office productivity?
- What are the various roles MPs play within parliament? Why is it beneficial for the MP to spend time early in their tenure defining the role they want to play?
- Why is it important for offices to maintain quantifiable and achievable goals? How often should office strategy, processes and objectives be reconsidered? Why?
- How can the diversity of staff perspectives within an office contribute to a more inclusive, representative and effective workplace? Why is it important for MPs to hire staff with diversity and inclusion as a main objective?

## IX. Budgets

A nation's budget is a reflection of its citizens' priorities. While parliaments maintain many tools to perform their representative duties, including the authority to adopt sweeping legislative changes, its influence and oversight over the annual budget process offers a critical vehicle by which the legislature ensures government services and programs align with citizens' needs and interests.

A country's budget commits national funds, made up of taxpayer dollars and other monies collected or borrowed, toward implementation of adopted policies and government-supported programs and departments. Through negotiation and debate, the nation's lawmakers commit dollar amounts behind programs and initiatives the government has decided warrant support. Because of the budget's dependence on public funds, the government, and parliament in particular, is responsible for ensuring that public monies are appropriated and spent appropriately, in accordance with governmental priorities, and in a manner that minimizes waste.

As the country's preeminent representative institution, parliament plays a critical role throughout the budget process. At the very least, nearly every parliament around the world is constitutionally required to approve an annual budget; without the parliament's formal acquiescence, the country may not be legally able to fund governmental programs. Moreover, in order to monitor spending of government funds, each parliament is vested with particular powers to scrutinize, audit and oversee budgetary implementation by the executive and their ministries after the adoption of the country's budget.

For MPs, it is helpful to think about the budget process as one by which the legislature ensures national priorities are reflective of citizens' priorities. What the government deems worthy of public funds—including the specific funding levels it determines—provides a clear signal to constituents as to programs or initiatives it finds most important, pressing or necessary for the safety, security and well-being of its people. As such, budgetary debates and appropriations decisions are vital components of effective representation of citizens' interests through government services and programs.



Members of parliament from Egypt, Jordan, Libya, Morocco, Tunisia come together to meet with U.S. members of Congress on principles for being an effective MP. (NDI, 2012)

**A. Budgetary Role of Parliaments Across Systems**

There is considerable variation from country to country regarding the role and powers granted to parliament to make budgetary decisions and changes. A country’s constitution and founding documents, political and economic history, legal framework, and statutory procedures are among the many factors that influence the parliament’s role in national budgeting.

| Types of Legislatures in the Budget Prodess |                |                                                                                             |                                             |
|---------------------------------------------|----------------|---------------------------------------------------------------------------------------------|---------------------------------------------|
| Legislative Type                            | Similar to     | Capacity                                                                                    | Examples                                    |
| Budget approving                            | Rubber stamp   | Lacks authority and/or capacity to amend or reject the executive's proposed budget          | Mozambique                                  |
| Budget influencing                          | Arena          | Has limited authority and/or capacity to amend the Executive's proposed budget              | France, U.K., Nicartagua                    |
| Budget making                               | Transformative | Has the legal authority and technical capacity to reject, amend, or even rewrite the budget | U.S. Congress, Some state U.S. legislatures |

Source<sup>51</sup>

Despite this variation, the parliament and the executive are the two leading budgetary decision-makers in nearly all democracies. Powers granted to each are largely dependent on the divisions of powers outlined within the country’s constitution. In general, there are three different categories of parliamentary involvement: budget-making parliaments, budget-influencing parliaments, and budget-approving parliaments.



The U.S. Congress prepares a budget every year and relies on the resources and expertise of the Congressional Budget Office to help the Congress make informed decisions  
*(Photo by the Washington Post/Getty Images)*

## The U.S. National Budget Process

In the United States, Congress is the only branch of government that is constitutionally authorized to appropriate government funds. While the president, his/her liaisons, and cabinets are highly involved in budget negotiations—and the president's signature is required for any budget or appropriations legislation to be signed into law—Congress maintains sole authority of budgetary legislation and amendment within the United States.

The U.S. statutory budget cycle begins months prior to the end of the governmental fiscal year with the president submitting his/her budget request to Congress. Congress, depending on a variety of factors, including the partisan makeup of the legislature, may choose to work off of the president's submission as a budgetary baseline, or ignore it entirely (a clear signal of the legislature's budget authority).

Within Congress, much of the budgetary decision-making occurs at the committee level. The House of Representatives and the Senate's budgetary committees receive top-line budgetary requests and justifications from the president's cabinet members and leaders of each of the relevant congressional committees regarding programs under their outlined jurisdictions. The two budget committees then craft a budget resolution that sets maximum spending limits across broad categories (e.g., defense, education, etc.) for the government for the next fiscal year. With budget authorities adopted within the budget resolution, the two chambers' Appropriations Committees hold hearings to further specify programmatic funding levels, and ultimately report out appropriations resolutions to be considered by the full chamber.

If an appropriations bill is adopted within both chambers, it goes to the president for his/her signature or veto. In the rare occurrence of a presidential budgetary veto, Congress may choose to override the veto with sufficient votes within each chamber.

Following the adoption of the budget, congressional committees conduct regular oversight hearings to ensure their budgetary intentions and legislation are being appropriately carried out by the president's agencies. Moreover, it is common for congressional appropriations bills to include reporting requirements for recipients of federal funds that detail spending purpose and effectiveness.

### B. Key Components of the Budget

- a. **Government/Public Services:** Much of a country's spending is devoted to public services that promote the quality of life of its citizens or contribute to the safety of the country. Such services are often available to all citizens at no direct cost and are not motivated by financial profit.

**Examples:** public education, emergency services (police, firefighters, paramedics), health care services (hospitals), justice system (courtrooms, justices, correctional facilities), transportation maintenance (roads, bridges, airline regulation agencies), postal system, public recreation facilities, public broadcasting systems

- b. **Government Programs:** A second important category of government spending goes toward programs that government officials have created in response to national or community needs or problems. Many laws passed by parliaments establish government programs that are responsible for carrying out desired policy changes. Such programs are often run by the government, though it is

common that third parties are contracted to provide program management, consulting or products, such as technology or equipment.

**Examples:** entitlement programs (nutrition assistance, subsidized health care and health insurance; food assistance), educational achievement programs (reading assistance), job training programs, veteran's assistance programs, housing assistance programs

- c. **Policy Implementation:** A third component of a country's budget are funds spent on implementing policies passed by parliament and signed into law by the president. Nearly every new policy requires resources to facilitate the changes brought about by its adoption. Funds can be spent on hiring new government employees who will manage the program, researching the best governmental courses of action to bring about desired outcome changes, or altering a country's existing programs, services, or departments to reflect the newly adopted policy's intent.

**Examples:** reauthorizations of existing policies; government agency directives; amendments to existing laws or programs; continuation or extension of program sunsets; new regulatory schemes, such as environmental monitoring programs for air or water quality or public education programs for health and wellness.

### C. Stages of the Budget Process

Because of the marked variation in parliamentary systems and their specific budgetary processes, it is difficult to outline a general budget process that is applicable to a wide range of parliaments and countries. Instead, the following subsection details general stages of the budget process for MPs to apply to their country-specific context.

- a. **Pre-Budget Debate:** An increasing number of parliaments have moved to include a legislative debate over their country's broad fiscal direction and budget trade-offs before considering the government's formal budget request. The pre-budget debate stage gives parliaments an opportunity to review the previous year's spending, speak to the overall spending direction of the country, and discuss relevant or necessary changes to the country's medium-term spending priorities. These debates occur in a variety of locations, including plenary sessions, committee hearings, and in personal and party communications. MPs often use the pre-budget debate stage to formally register their personal budgetary views, as well as the needs and preferences of their constituency and district.

Some parliaments, such as the Swedish Riksdag, have institutionalized a pre-budget debate wherein members devote floor time to discussion of the nation's previous fiscal decisions and proposed changes for future budget priorities. In other parliaments, the pre-budget debate phase includes committee hearings that culminate in a committee report submitted to the chamber that reflects the budgetary priorities to be considered in formal budget negotiations.

To inform their pre-budget debates, many parliaments require that the executive and/or their cabinets submit budget proposals and justification memos that outline their preferred spending priorities and requests. Such resources provide parliaments with budget specifics that concentrate debate and often provide points of differentiation between political parties or coalitions.

- b. Executive Template Submission:** Though each country has different requirements regarding the start of the official budget cycle, the vast majority of parliaments begin with the receipt of a budgetary template submitted by the executive. In most cases, the executive will consult with their ministers and cabinet and develop an overall budget blueprint that outlines the executive's policy priorities and provides aggregate, top-line numbers that they request to be appropriated. Some executive templates, however, are much more detailed in that they provide specific funding levels at the programmatic level.

Many parliaments also require that the executive template include medium and long-term budgetary and fiscal projections to contextualize the country's financial position. The projections provide specific financial information—including projected revenues, debt, foreign aid, and expenditures—over 5 to 10-year periods to help MPs consider how the current year's budget trade-offs will affect the future fiscal health of the country.

The executive's template is typically statutorily or constitutionally required to be submitted months prior to the start of the next fiscal year to provide parliament and its members sufficient time to study, debate and amend the proposal. The vast majority of parliaments require that the executive template be submitted two to four months prior to the start of the new fiscal year.

- c. Committee Action:** In many legislatures, once parliament receives the executive's submission, much of the legislature's budgetary work takes place within the budget committee(s). The budget committee is responsible for analyzing the executive template, debating aggregate totals across government priorities and departments, and ultimately making recommendations to the full chamber regarding authorization for specified spending levels. Budget committees typically inform their deliberations through markups and hearings. During markups, MPs serving on the committee debate specific line items, often making alterations to proposed funding levels or voting to include recommendations to add or remove line items to the budget. Within hearings, budget committees hear from government officials, program practitioners and issue area experts regarding specific budget requests, including justification as to why certain programs and departments require the appropriation amounts included in the budget.

It is common for parliaments to endorse the recommendations put forth by the budget committee. Such recommendations may include aggregate appropriations levels across departments, specific alterations to the executive's submission (including changes to spending priorities), and appropriations amendments to be added to the government's budget in response to a specific and pressing need identified by budget committee members.

Many parliaments also make use of sectoral committees to deal with issue-specific budgetary matters within their jurisdiction. For example, a legislature's agriculture committee may be referred to as budget requests on issues related to agriculture programs and services. Because MPs serving on committees are more specialized in the topics, including their needs, effectiveness and costs, they are often able to make more informed recommendations to the budget committee and the full chamber on the subject. Often, the budget committee provides sectoral committees spending ceilings or maximums. The sectoral committees then decide detailed program or sector-specific appropriations levels.

## Parliament's Role in Managing Public Debt

An important priority for legislators in the annual budget cycle is how to address public debt. Public debt balances vary significantly in governments across the world and can shrink or grow depending on the state of the global economy. For example, the COVID-19 pandemic resulted in large increases to public debt globally, especially in nations that had little or no reserves of resources to respond to the immediate needs of citizens impacted by the crisis. There are many techniques that legislatures can use—both fiscal and monetary—to manage national debt while at the same time ensuring citizens continue to receive much-needed resources. Managing public debt requires legislators to prioritize budgetary commitments, taking into account ongoing crises and building in safeguards for unexpected events and contingency planning. It also requires that the delivery of resources continues to ensure certain sections of society, especially women and marginalized communities, receive much-needed support. Finally, debt management requires bringing in tools, analysis and expertise from supreme audit institutions, parliamentary budget offices, citizen watchdogs and other relevant financial oversight actors to support a comprehensive understanding of the impact of budgetary actions in managing public debt. Overall, debt management is a critical factor in effective legislative oversight, especially to ensure that resources intended to relieve debt and rebuild economic sustainability are implemented in accordance with policy intentions.

- d. Role of the Parliamentary Budget Office (PBO):** A growing number of countries have created an independent, nonpartisan parliamentary budget office (PBO) to provide the legislature with technical and analytical budgetary support. PBOs are often staffed with budgetary experts and economists who provide MPs and committees with budget-specific information and analysis that is wholly independent from that submitted by the executive.

PBOs serve four principal purposes:<sup>52</sup>

1. Provide budget analysis and independent advice to parliamentarians from both the majority and minority parties represented in the legislature
2. Provide the legislature with medium-term fiscal projections and scenarios that may differ from those prepared by the government
3. Quantify the impact of alternative new tax or spending policies, especially (but not exclusively) on the budget for the forthcoming fiscal year
4. Remedy the lack of time and analytical capacity that elected representatives have to analyze the details of draft budgets and to propose alternative budget policies.

PBOs often provide in-person consultation to MPs and relevant committees, as well as produce analytical reports and projections that are made available to members to aid their consideration of budgetary matters. Some PBOs are also authorized to provide independent evaluations of new executive program proposals, at the request of MPs.

## The Austrian Parliamentary Budget Office

The Austrian Parliament established its Parliamentary Budget Office in 2012 to support the Parliament and its Budget Committee through the national budget process by providing independent and objective analysis of budget measures proposed by the executive.

Its key tasks are:

- “To support the Budget Committee in the form of written expertise, analysis and short studies on budgetary matters presented by the government according to budget law
- To support other parliamentary committees regarding impact assessment of new legislation
- To consult especially on performance and gender budgeting
- To provide short analyses to questions from Members of the Budget Committee.”<sup>53</sup>

The PBO’s mandate was further expanded to include providing reports on the implementation of gender budgeting within the framework set out in the Austrian Federal Budget Reform. The budgetary analysis published by the PBO in 2018 and in 2019 contained a special emphasis on gender budgeting, specifically providing recommendations to improve parliamentary gender oversight activities. It also designed a “Gender Equality Map” as a resource which it maintains on its website to assist MPs and parliamentary staff in evaluating gender equality performance.<sup>54</sup>

- e. Role of Citizen Advocates:** As noted, budgets are a reflection of national priorities. It is, therefore, critical for legislators to ensure their actions and decisions on the national budget are reflective of national interests. Many legislators and their staff have a practice of meeting with CSOs during the budget debate process to ensure public feedback on the proposed executive template, and to inform the decisions of members on proposals for budgetary items. Public feedback on the budget process is essential to ensuring it represents an inclusive and balanced representation of citizens’ interests. That is why it is also paramount the legislature has a mechanism for sharing a proposed budget with the public before passage.
- f. Debate and Adoption:** Following the work of committees, the full chambers typically debate the aggregate totals, spending authorizations and any amendment recommendations adopted by the budget committee(s). Parliaments vary considerably in their authority to amend budget frameworks and resolutions. Some enjoy wide latitude to amend or fully reject line items within the executive’s submission, while others are more limited in what changes are legally permissible. In fact, some parliaments—Mozambique’s, for example—lack the authority to submit any formal changes to the executive-submitted budget, and instead are limited to simple approval, though members are allowed to voice formal objections within plenary debate. Similarly, the amount of time devoted to budget debates varies from parliament to parliament. Most legislatures are constitutionally required to formally review and adopt an annual budget, which then makes it legal for the government to spend taxpayer funds.

During the COVID-19 pandemic in 2020, parliaments around the world rushed to pass emergency spending bills or alter their budgets to protect public health and their economies. For example, shortly after the pandemic struck **Kenya**, its parliament drafted a supplementary budget that was passed in June 2020. Much of this budget was the result of work by the Kenyan Parliamentary Budget

Office, which identified critical budget items that the parliament needed to address to respond to the crisis.<sup>55</sup> In **Indonesia**, a similar supplementary budget to the tune of \$25 billion was passed. While originating from the executive, an order like this was subject to the approval—or rejection—of parliament. Other countries used their annual budget process to address COVID-19 concerns. **Nepal**, for example, boosted its budgetary allocation for health infrastructure by 31.8 percent between its FY20 and FY21 budgets.<sup>56</sup>

- g. Budget Oversight:** Parliament's role in the budget process does not end after formal adoption of the budget. No matter the country-specific budgetary processes or parliamentary authorities, nearly all parliaments maintain robust oversight prerogatives that ensure federal funds are spent efficiently, appropriately and according to legislative intent. The most commonly used fiscal oversight mechanism are committee hearings. Within committee hearings, MPs are able to question cabinet members or executive bureaucrats on spending decisions and effectiveness within their respective departments. Many hearings are routine in that committees want to hear directly from administrators that their funding decisions are being carried out appropriately, or to promote successes of government programs. At other times—particularly in instances where parliament suspects waste, fraud or abuse within executive departments—hearings can become contentious displays of necessary fiscal oversight of the executive.

Additionally, to promote oversight and enhance fiscal transparency within government, parliaments may legally require that the executive and its departments provide the legislature with detailed reports and financial statements. Such reports often require that departments provide a statement of accounts that includes a comparison of budgeted spending with actual expenditures and explanations of how their spending and administration align with the country's adopted fiscal goals, priorities and targets. In contrast to in-person committee hearings, reporting requirements often provide MPs and parliaments more time to fully consider executive spending decisions and processes. At the same time, reports do not allow MPs to question executive officials in real time, which could often lead to a deeper understanding of a particular fiduciary interest to parliament.

## **D. Common Budgetary Challenges**

Given the scope of a country's national budget and often genuine partisan disagreements as to the proper use of federal funds, agreements can sometimes be hard to forge. Depending on the country-specific budgetary arrangements, laws, histories and customs, several challenges can develop that can delay or prevent a seamless adoption of a national budget. The following are the most common budgetary challenges faced by parliaments.

- a. Delayed Executive Submission:** Despite dates being explicitly outlined in statutes regarding when the executive must submit its budget template to parliament, executives are commonly late in making their submissions. Such delays shorten the time available for parliament to analyze, question, debate or amend the budget submission. As a result, parliaments are often forced to accept the executive's submission with minimal adjustment opportunity. To deter late submissions, parliaments may want to consider penalties, such as withholding of funds available for executive personnel or travel.
- b. Inadequate Parliamentary Resources:** Many parliaments simply do not maintain sufficient resources to adequately consider a country's budget or generate accurate, independent internal information. Government budgetary matters typically require an expertise in accounting, economics

and cost/benefit analyses, skills that are not widespread among MPs and can be hard for parliaments to find and/or compensate. This lack of internal resources often forces parliaments to depend on information provided by the executive—which is often framed in a way to promote its interests and preferences—or on outside groups, who often come with partisan leanings.

**c. Oversight Challenges:**

**Lack of Time/Resources:** The lack of specialized personnel also commonly affects a parliament’s ability to conduct active and effective oversight. Oversight inquiries, especially those regarding budgetary matters, are laborious, time-consuming investigations. Without adequate and specialized personnel committed to day-to-day oversight inquiries, parliaments may struggle to both obtain sufficient evidence to prosecute wrongdoing and generate an effective deterrent threat to be heeded by the executive.

Additionally, given all of the other demands placed on MPs, including within committees, parliaments regularly struggle to find the time required to be proactive in their oversight pursuits. As a result, oversight investigations typically develop when parliament already has strong evidence of wrongdoing, most frequently stemming from media reports or citizen groups filing multiple complaints.

If the executive submits a budget late, there may also be insufficient time to share the budget template and corresponding legislative proposal with the public. Without adequate time for public access, the process itself is flawed, as it may not represent the interests of the citizens it is intended to serve.

**Lack of Executive Response:** Even among parliaments that are proactive and committed to robust fiscal oversight, many struggle in their effort to acquire budget-related information from the executive. Typically, information requests begin as voluntary: a committee of jurisdiction requests specific information from a relevant department by a certain date. However, the department may not employ sufficient personnel to respond to parliament’s request or may not wish to provide the information for any number of reasons (or both). In either case, parliaments are left without crucial information that can inform their oversight decisions and investigations.

Requests to the executive can be made, and even include threats of contempt or appropriations withholdings for nonresponses, but parliaments rarely maintain effective mechanisms to force timely compliance. Strong and collegial executive/parliamentary liaison offices can help facilitate information requests between the two branches of government. In many legislative/parliamentary systems there are established deadlines for the publication and submission of annual reports by government departments. These annual reports often form the basis of oversight review by parliamentary committees. For example, financial oversight committees will typically use the annual audited statements from government departments to frame questions to government officials on financial performance.

## **E. Inclusive and Gender-Responsive Budgeting (GRB)**

Inclusive and gender-responsive budgeting (GRB) is a tool for change. It is a process designed to allocate spending and resources in the national budget so that all citizens benefit equally. Its aim is to strip away unconscious gender bias so that all citizens benefit in equal measure from government programs and policies.

It is not a separate budget for women, but rather an approach to budget development that promotes transparency and a more efficient use of public resources by ensuring that all citizens benefit in equal measure from budget programs. Beyond gender, this budgeting strategy may also target more inclusive budget measures, such as ethnicity, age, income and sexual orientation.<sup>57</sup>

Most parliaments have made both international and domestic commitments to strengthening gender equality, such as the Millennium Development Goals (MDGs), the 2030 Agenda for Sustainable Development, among others. The adoption of these targets clearly links government spending and outcomes so that members of the legislature have a central role to play in ensuring that these objectives are met by conducting robust oversight of policies, programs and budgets. GRB is a tool members can use to gauge both government performance and where improvements need to be made to meet these international obligations.

Any form of public expenditure can be scrutinized for its gender impact. GRB can be used at every stage in the budget process: formulation, legislation, implementation and in the budget audit/review. And it can also be used to evaluate expenditures for selected departments or programs, for example, where new programs are being introduced or projects proposed. GRB can also be used to assess changes to the tax system, such as when new fees or revenues streams are proposed.

However, access to gender-disaggregated data, data that are broken down by sex, is essential for GRB. As a first step, members may need to advocate for better data collection by government departments and agencies. Many parliaments are now requiring the collection of sex-disaggregated data as official policy. Some have established data portals or gender data hubs to assist as a foundation for the GRB process.

CSOs may also make a valuable contribution to the process because of data they have collected, or expert analysis they may have undertaken and which they are prepared to share to assist in gender budget reviews.

MPs can make an important contribution to improving the national budget process by championing better budget practice by integrating gender issues and questions as a regular part of their legislative work.

## Kenya's National Gender and Equality Commission

The adoption of Kenya's Constitution in 2010 ushered in a new era setting gender equality as one of the country's top policy priorities. Established by an Act of Parliament in 2011, the National Gender and Equality Commission (NGEC) was given a comprehensive mandate to promote gender equality and freedom from discrimination by monitoring, facilitating and advising on the integration of these principles in all national and county policies, laws and administrative regulations.<sup>58</sup> The NGEC was also given the responsibility for coordinating and facilitating the mainstreaming of gender issues, including budgeting and budget implementation. The NGEC led the adoption of gender-responsive budgeting (GRB) as a strategy for promoting gender equality and inclusion at both the national and county level. The commission spearheaded the development of GRB guidelines for budget development working with the National Treasury, the Ministry of Planning and Devolution, and the county governments in both the process of budget development and implementing the "guidelines."

Importantly, the government of Kenya recognized that some of its policy goals could only be accomplished through the adoption of GRB, specifically:

- "Ensuring universal healthcare for pregnant and breastfeeding mothers;
- Ensuring free water supplies in informal settlements;
- Promoting jobs by outlawing workplace discrimination, and by providing grants and loans for women's businesses; and
- Promoting the education of girls by among others, building more boarding schools."<sup>59</sup>

### Gender Impact Statements for Budgets

Gender impact statements for budgets are summaries of the estimated gender impact of budget or legislative measures that are proposed, and how performance on gender equality priorities will be improved, or not, as a result of such measures. These statements are generally included with the public release of budget documents or legislation and are important tools for members engaging in legislative or financial oversight.

Gender impact statements are more commonly used as part of financial oversight of the national budget. For example, Australia, Bangladesh, India, Morocco, Nepal, and the Republic of Korea have adopted this practice. Uganda introduced a Certificate on Gender and Equity Compliance to ensure that the budget process meets women's needs.<sup>60</sup> India introduced a requirement for Gender Budget Statements in its 2005–06 budget. The European Union (EU) has adopted a policy for comprehensive gender mainstreaming by its members, including the use of gender impact statements.

### Conducting Gender-Responsive Budget Impact Assessments

The gender impact assessment process can be used in virtually all aspects of policy development by governments, including the review of new or existing policies; national, state or local budgets; legislation; policies; programs; and projects.

Similar to the gender impact assessment, the GRB impact assessment asks the key question: *Does a law, policy or program reduce, maintain or increase the gender inequalities between women and men?*

GRB impact assessments look specifically at the following:

- Is the target group that is the subject of the policy proposal clearly identifiable?
- Is it both women and men who are impacted—as individuals, legal entities?
- Does it directly or indirectly affect women and men?
- Does it affect the access to or control of resources, or the social or legal position on access to or control of those resources?

### **The Role of Supreme Audit Institutions in GRB**

Increasingly, national audit offices/Supreme Audit Institutions (SAIs) are focusing on the gender impact of government spending, and, in particular, whether governments are meeting international commitments on gender equality. If a national audit office or SAI includes gender reviews in annual audit reports, members and parliamentary committees are better equipped to question and report on gender equality progress and use the information from these reports to monitor progress.

Members can advocate and support resources for audit offices to train auditors on performing gender equality audits. This training is key to the expansion of performance audits which focus on gender. Traditional financial audits, which simply focus on whether spending on programs meets or exceeds the authorized expenditures, cannot capture gender performance. **Performance audits** can evaluate whether the budget expenditures have delivered the efficient, effective and equitable use of public resources.

However, resource constraints are often a significant challenge for members and parliamentary committees working to strengthen gender equality policies and results for citizens. The lack of research and technical support can severely limit members' ability to ask informed questions.



The U.S. Government Accountability Office is a legislative branch agency that provides auditing, evaluation, and investigative services for the United States Congress and is the supreme audit institution of the federal government. (Photo by kafka4prez)

In 2015, India's Ministry of Women and Child Development produced a **Gender Budgeting Handbook** as a tool to assist ministries and departments in carrying out gender analysis in planning, monitoring and evaluation of revenue raising and allocation to maximize gender equality outcomes.

The handbook lays out a five-step framework for gender budgeting and provides checklists and templates to assist in minimizing gender impact as the annual process for budget preparation and development takes place within government departments, including how to set a strategic framework for activities.<sup>61</sup>

The following questions from the handbook provide a guide for the internal departmental gender reviews.

### Sample Questions:

- What are the goals and objectives that our ministry/department seeks to achieve?
- How do they contribute to the larger national goal of achieving gender equality?
- What are the needs and priorities of women, especially those who are poor and fall under our ministry/department's domain of work?
- Are these presently included and addressed in the ministry/department's policies, plans, programs and schemes?
- What activities should the ministry/department undertake this year to reduce gender gaps?
- What are the difficulties the ministry/department faces in enabling its services to reach women and girls?
- How are the above challenges addressed?

### Legislative Actions to Support Inclusive and Gender-Responsive Budgeting:

The following are examples of legislative actions that members can take to champion inclusive and GRB practices:

- ✓ Focus on financial and legislative gender budget oversight in parliamentary work.
- ✓ Advocate for statutory frameworks for gender budget tools, such as gender impact statements, to be presented as part of the national budget process.
- ✓ Conduct gender reviews as a regular part of budget debates.
- ✓ Encourage the adoption of gender-responsive impact reviews in public policy development.
- ✓ Encourage government officials to include gender impact as a regular part of the content of reports to parliament and parliamentary committees.
- ✓ Require gender performance on programs in annual reports of government departments.
- ✓ Support establishing data portals for sex-disaggregated data that are available to the public.
- ✓ Encourage training and capacity building on GRB techniques for legislative committee staff and researchers.

## Additional Budget Resources

- *Parliament's Role in Emergency Fiscal Policy: Lessons Learned for Emergency Planning*, House Democracy Partnership and Swiss Agency for Development and Cooperation
- *Role of the Legislature in Budget Processes*, International Monetary Fund
- “*Role of the Legislature in the Budget Process: Recent Trends and Innovations*,” *OECD Journal on Budgeting*, vol. 7, no. 3, 2007, Organisation for Economic Co-operation and Development
- *Parliament's Role in Budgeting*, Organisation for Economic Co-operation and Development
- *Parliament and the Budgetary Process, Including from a Gender Perspective*, Inter-Parliamentary Union

## Key Takeaways

1. Because it commits critical funds to approved policies and programs, a country's national budget is a reflection of its citizens' priorities.
2. Parliament's influence on the budget varies considerably from country to country. Some have considerable impact on appropriations levels, while others are restricted to approving the executive's budget submission. Despite this variation, most legislatures follow a similar budget process and generally rely heavily on budget committees within the legislature to carry out much of the budget-related work within parliament.
3. PBOs provide important nonpartisan fiscal information to MPs and the legislature, including economic forecasts, budget and programmatic analysis, and MP consultations. PBO information is purposefully independent from that submitted by the executive. This assists the parliament in reaching its own fiscal and budgetary conclusions.
4. Legislatures face several similar budgetary challenges. Most notably, most parliaments have minimal budget resources, such as expert budget staff, that are necessary to adequately consider a country's budget or generate accurate, independent internal information. Also, parliaments often receive the executive's budget submission late, thereby limiting the time available to it to study, question or amend the template.
5. A parliament's commitment to GRB is essential. GRB helps ensure that all budget decisions and appropriations benefit all citizens regardless of gender.

When putting together an NMO, a variety of formats can be used, including gathering at a remote location for a retreat-style overview along with all members, or a dedicated weeklong training period prior to the start of a new legislative session. Lengths of sessions will depend on the amount of information to be covered and may include a combination of presentation or seminar-style lectures, in addition to moderated discussions. A few NMO speaker suggestions, as well as potential questions to guide these sessions, are provided below.

## Potential Orientation Speakers

- Former and current MPs, particularly those who have served in budget-related committees within the legislature.
- Former or current parliamentary staff, particularly PBO staff, who can speak to the budget process within parliament. Such staff can also provide valuable input as to good practices for MPs to consider to learn and use to potentially influence budgetary outcomes.

- Former or current executive branch officials (or staff) that can speak to the executive-parliamentary relationship on budgetary matters.
- A representative from a national CSO working on gender equality issues to advise on priority issues for change. A senior representative from the national audit office, such as an auditor general, who can provide advice on good financial oversight practices for members of oversight committees.
- A former speaker of the legislature who can provide advice on how MPs can effectively use parliamentary procedure to advance policy changes during the budget process.
- A former financial oversight committee chair who can give advice on effective oversight techniques for committee members.

### **Potential Orientation Questions**

- Why is a nation's budget considered the most visible reflection of its citizens' preferences?
- What are some common good practices for effective budgetary oversight? What information is essential for the legislature to perform its fiscal oversight duties?
- What resources, tools or mechanisms are available to parliaments to incentivize the executive to submit its budget in a timely manner?
- Why is it important that parliaments be allocated budget-related resources that support their development of nonpartisan, independent information? Why is it important that parliaments not rely solely on information submitted by the executive?
- Why is it important for a parliament to commit to GRB, and what role does a gender impact assessment play in ensuring GRB?
- What are the principal barriers to conducting effective financial oversight?
- What role can civil society play in supporting the work of MPs and in strengthening the GRB process?
- How can GRB produce better results for citizens?

## **X. Caucuses**

A parliamentary caucus is a group of MPs who come together to advance a common agenda or work toward a common goal. Because they allow MPs to more efficiently organize behind a shared purpose, often across party lines, caucuses are critical elements of a more efficient and representative legislature.

Caucuses are formed for a variety of different purposes and pursue a myriad of goals. No matter their specific objectives, however, the fundamental utility of the caucus is to group MPs together to further their interests as a unit rather than as individual legislators. Caucuses provide MPs an important opportunity for especially like-minded members to band together in pursuit of their goals.

While their size, authorities and operating agreements vary considerably from legislature to legislature, caucuses are typically formally organized with adopted governing rules and procedures. Similar to political parties, caucuses hold regular meetings to plan goals and activities, and elect leaders to facilitate business and negotiate on behalf of their fellow members with party and chamber leaders and the executive.

### **A. Various Caucus Purposes**

In many parliaments, caucuses are key engines of parliamentary activity and help organize the chamber and decide its agenda. In some legislatures, caucuses that meet specified membership thresholds are granted certain procedural rights, such as the power to call committee hearings, introduce legislation and table measures they would prefer the body not consider. In many parliaments, caucuses are allocated institutional resources, including staff and office space, to assist their efforts within the chamber.

Even in parliaments with more limited group privileges, caucuses can wield tremendous influence on the chamber's business and issue agenda. Caucuses, particularly those with large memberships, routinely affect legislative negotiations and outcomes because of their shared commitment and expertise on a given issue.

For MPs, caucuses are often an efficient instrument to achieve their individual policymaking and representational goals. For MPs focused on advancing a particular legislative issue, for example, caucuses provide a valuable avenue for policy development. These policy-driven caucuses organize a concentrated working group of members, and oftentimes dedicated staff, to research and draft legislative proposals to then be considered by the full chamber outside of the parliament's official committee structure.

Caucuses can also be an effective means of representation for MPs who seek to highlight their attentiveness to certain populations, communities, regions or policy issues. By voluntarily becoming members of caucuses focused on particular constituencies or issue areas, MPs signal to specific constituencies that they aim to be a voice of their interests within parliament.

Further, for many MPs, membership in caucuses indicates a personal support, attachment or affiliation with the organizing principle of the group. For example, representatives within the U.S. Congress have formed the LGBTQI+ Equality Caucus to pursue and promote the extension of equal rights for all citizens regardless of sexual orientation or gender identity and expression. Membership of this caucus highlights a legislator's support for the population, as well as their commitment to pursuing policy changes that ensure their equal protections within the United States.

Finally, caucuses provide MPs a valuable collective messaging apparatus to reach constituents, circulate information on a specific topic and influence public opinion. To increase attention to their work and aims,

caucuses often hold public events, meet with interested stakeholders, partake in press conferences and media interviews, and distribute caucus literature and work products to targeted populations. They also may launch informational or awareness campaigns to educate citizens on their particular topic, provide trainings and direct outreach to affected constituencies.

## B. Types of Caucuses

- a. **Party Caucuses:** The majority of established caucuses are comprised of members from the same political party. These party caucuses are key institutional associations that help organize the chamber, facilitate its business, and elect chamber and committee leaders. Note that political party activities and groups within the institution will be discussed in more detail in Section XII. Party caucuses offer individual MPs collective benefits, such as detailed policy development, message synchronization and scheduling coordination. Perhaps most importantly, party caucuses typically enjoy certain rights and privileges—access to staff resources or the authority to initiate a public hearing, for example—that are not afforded to individual members.

Because of the increased benefits granted to party caucuses, most parliaments, particularly in multi-coalitional legislatures, set membership thresholds for parties to be officially recognized or to receive institutional resources. As an example, the Indonesian legislature requires that each parliamentary group must have a minimum of 13 members to be institutionally recognized. Nine separate party coalitions meet this threshold and organize the chamber. Depending on the legislature and its rules, independent MPs who are not officially a member of a party caucus may have the right to remain wholly outside of established party groups, form a party of other similarly independent MPs or affiliate with an existing party caucus.

Given their impact on the chamber's legislative agenda, it is common for many party-based caucuses to incentivize or even require members to vote as a bloc within parliament. In this way, party caucus membership in certain legislatures is compulsory—if members choose not to vote with the party, they are subject to being removed from the partisan caucus and forfeiting the collective procedural and resource benefits allocated to the caucus. In others, party discipline is incentivized with other institutional or procedural benefits, such as increased amendment opportunities or placement on more desired committees, for MPs who exhibit strong party support.

- b. **Issue Caucuses:** Many caucuses are formed to pay particular attention to a specific issue area or policy. While membership on these issue-focused caucuses often involves members who already agree on the policy and its desired outcome (and thus are likely to be from the same political party or caucus), they also are commonly made up of members from across parties who hold similar beliefs on the subject. Consequently, issue caucuses are often viewed as an important mechanism to facilitate cross-partisan negotiations and bipartisan alliances that can maximize the likelihood of a bill's advancement through the chamber.

Issue caucuses can be incredibly specific—such as the Wildfire Prevention Working Group established in Somaliland—or broad enough to encapsulate entire industries or economies, such as a Climate Change Caucus that is made up of members who are especially motivated by issues related to mitigating and reducing the effects of global warming. Though requirements vary by legislature, each established caucus typically defines the scope of their group's attention jurisdiction, specifies their collective goals and operating procedures, and often articulates clear and measurable policy goals the caucus will pursue. In the United Kingdom and Westminster-system institutions, issue caucuses are sometimes referred to as All-Party Parliamentary Groups.

Issue caucuses are generally established to allow for a more direct interaction and representation of issues that MPs feel are receiving inadequate policymaking attention. For example, Afghanistan's National Assembly created a specific Business Caucus to "provide a platform to discuss issues of concern to the business community and ways in which the private sector and MPs can work together to make sure that Afghanistan passes key legislation to spur private sector development."<sup>62</sup> The caucus is made up of 18 Afghan MPs and eight representatives of the country's business community. The caucus meets regularly to discuss important business-related issues.

Importantly, issue caucuses provide individual MPs an opportunity to build expertise and influence on the caucus's subject matter outside of traditional party groups and their respective committee systems and assignments. Additionally, because they are generally more informal and less procedurally restrictive than parliamentary committees, many MPs feel that issue caucuses provide the most fruitful opportunities for direct policy negotiations and development. Issue-based caucus engagements may include more informal engagements in the community or with external experts on key issues. Caucuses can put forth policy proposals. However, unlike committees, issue caucuses are not codified in a chamber's rules, meaning they often lack formal authority to compel the legislature to act on their issue proposals, call officially sanctioned hearings or receive important resources like staff and office space to aid their work.

### All-Party Parliamentary Group Malaysia

First adopted in the UK's House of Commons, the All-Party Parliamentary Group (APPG) is a model for cross-party collaboration with no official status in the parliamentary body. As part of the then-speaker's "reform agenda," the Malaysian parliament approved setting up of the All-Party Parliamentary Group Malaysia in 2019. It was also seen as an opportunity for broader multi-stakeholder engagement between parliament and civil society which is a unique feature for parliamentary bodies. It also is open to members from both houses of parliament to participate.

The "All-Party Parliamentary Group Malaysia (APPGM) is a forum or platform for topics of common interest among members of the House of Representatives and the Senate as well as other parties including academicians, professionals, non-governmental organizations (NGOs) as partners to discuss, research and submit reports of recommendations to the Parliament or its committees."<sup>63</sup>

To date, four APPG's have been formally constituted:

- All-Party Parliamentary Group Malaysia (APPGM) — Sustainable Development Goals (SDG)
- All-Party Parliamentary Group Malaysia (APPGM) — Policy on Refugees in Malaysia
- All-Party Parliamentary Group Malaysia (APPGM) — Prison and Detention Centre Reforms
- All-Party Parliamentary Group Malaysia (APPGM) — Urban Poverty and B40 Community

- c. **Demographic Caucuses:** Other caucuses are formed to better represent a specific constituency demographic, such as a specific religious affiliation, age cohort or even previous occupation, within parliament. These caucuses allow MPs to discuss and advance a wide range of issues that are of particular concern to the designated demographic, which is often difficult to do under the jurisdictional constraints of parliamentary committees.

MPs generally join demographic caucuses for two reasons. First, the MPs are members of that demographic themselves. As such, they can inform the group's agenda and decision-making processes with their own firsthand life experiences. Second, MPs are particularly concerned (or represent a constituency that is particularly concerned) with issues relating to that specific demographic. Often, membership is driven by both motivations.

### The Congressional Black Caucus, U.S. Congress

One of the most successful and impactful demographic caucuses is the Congressional Black Caucus (CBC) in the United States. Made up of more than 50 black members of Congress from the Democratic and Republican parties, the CBC promotes and advances a sweeping policy agenda on issues that disproportionately affect members of the African-American community. CBC issues range from combatting voter suppression to expanding broadband internet access to urban areas to expanding access to start-up capital for minority-owned businesses. Because of its strong membership numbers and unity of message, the CBC has greatly impacted the legislative agenda within Congress and has been a critical force in passing numerous CBC-backed policy proposals.

**d. Women's Caucuses:** One of the most powerful and important demographic caucuses in many legislatures is the women's caucus. The women's caucus unites female MPs—no matter their partisan or religious affiliations, geographic locations or personal backgrounds—behind one common objective: the empowerment of women. Many women-related issues are critical components to their achieving this goal. They include, but are not limited to:

- Elimination of all forms of discrimination, harassment, and violence against women and girls;
- Increased educational opportunities and access for women and girls;
- Increased participation of women in politics, including membership in government and voting rights;
- Gender equity in pay, legal protections and political representation;
- Safeguarding and expanding women's rights protections, including within the workplace;
- Alleviating poverty levels of underprivileged women and widows and addressing causes of women's unemployment and underemployment; and
- Increased work and occupational training for women and girls.

Women's caucus members pursue these wide-ranging goals through a variety of efforts. Most develop policy proposals in consultation with leading experts and affected constituency members and advocate and lobby their fellow members to take up their legislative causes in support. Additionally, they regularly advocate and promote gender-responsive budgeting (GRB) to ensure that the women's perspective is a leading voice in the country's fiscal decisions. Commonly, women's caucuses encourage women-specific oversight efforts to highlight issues or circumstances that disproportionately affect women and girls. They also work directly with nongovernmental organizations (NGOs) to solicit financial support and implementation assistance for designated programs and advocacy efforts. Finally, like other parliamentary groups, women's caucuses develop robust communications and messaging strategies to promote their work and the need for legislative solutions to pertinent women's issues. These strategies often involve

constituent town hall meetings, public hearings or panels, newsletters, media interactions, and online and social media campaigns.

### Sri Lanka's Parliamentary Women's Caucus

The Women Parliamentarians' Caucus of the Parliament of Sri Lanka brings together female parliamentarians from across party, geographic, ethnic and religious lines to work toward the empowerment of women and the elimination of violence against women and girls in Sri Lanka. All 12 female parliamentarians, of the 2020 to 2025 session of Parliament, are members of the caucus. To advance its goals, the caucus conducts work in a number of key areas:

- Policy advocacy, including ensuring strong women's rights policies, legal reforms, the inclusion of gender in all policy areas and oversight of the implementation of relevant policy
- Gender-responsive budgeting (GRB)
- Ensuring that members of the women's caucus are represented across all other official parliamentary bodies, including committees
- Conducting sustained efforts to combat sexual and gender-based violence (SGBV) in Sri Lanka

The caucus conducts this work through a range of initiatives, including technical discussions with subject matter experts, engaging with civil society, developing proposals for Parliament, engaging with the media, and holding and participating in public hearings. As a result of the caucus's work, a select committee to ensure gender equality and review discrimination against women in Sri Lanka was authorized by Parliament in 2021. The committee will work to address grievances of gender-based discrimination, review laws related to gender equality and advocate for greater women's representation in decision-making bodies at all levels of government.



The Congressional Caucus for Women's Issues meets to discuss peace and security issues in Washington, DC. (WCPI, 2018)

- e. **Geographic Caucuses:** MPs who represent similar regions will often establish geographic caucuses based on the common interests or problems of their shared constituencies. While MPs from similar geographies may be members of different political parties or coalitions, certain regions share many similarities by virtue of their proximity and overlapping constituencies. MPs who represent agriculture-dominated regions, for example, may find it beneficial to form a caucus to discuss, negotiate and advocate for legislative solutions specific to their constituencies, economies or geographies. The same can be said for MPs who represent floodplains, drought or disaster-prone areas, or tourism-dependent regions.

### A Note on Congressional Commissions

In some institutions, such as the U.S. Congress, the legislature establishes formal groups that support independent activities, that produce guidance and policy recommendations. These bodies are referred to as “commissions” and are subject to different guidelines depending on a chamber’s rules. Traditionally, commissions in the United States are not bound by legal definition, but adhere to specific guidelines, including that they must be established by Congress, exist temporarily subject to a chamber’s rules, serve in advisory capacity and be appointed by members, or most often, congressional leadership.<sup>64</sup> Commissions may be funded through congressional appropriations, or by other mechanisms as directed by the commission’s regulatory authority. The House Democracy Partnership (HDP) is such a body. It was established as a formal commission in 2005. Since then, the HDP has enabled cross-party support between and among U.S. members of Congress and staff and their legislative peers globally. The HDP has the authority to call hearings, send delegations abroad and receive delegations from foreign countries. While the HDP lacks the authority to write and report legislation, members gain valuable insight from its activities, which informs their legislative action. Unlike other commissions, the HDP does not have an expiration date, though it is subject to renewal once a new Congress convenes and the rules are adopted.

### Additional Caucus Resources

- *Political Parties and Democracy in Theoretical and Practical Perspectives: Parliamentary Groups*, National Democratic Institute
- *All-Party Parliamentary Groups*, U.K. Parliament
- *Congressional Member Organizations (CMOs)*, Committee on House Administration, U.S. House of Representatives, 117<sup>th</sup> Congress

### Key Takeaways

1. Parliamentary caucuses serve as organizational instruments that group together MPs who share a common interest. Caucuses’ goals, sizes, resource allocations and procedural authorities vary considerably from legislature to legislature.
2. Depending on their specific goals and intentions, caucuses can be organized along partisan lines, issue preferences or concerns, MP demographics, constituent or district needs, geography, and demographic characteristics such as race, ethnicity, religion, or gender.
3. Similar to political parties, parliamentary caucuses commonly elect leaders, adopt caucus rules and procedures, hold regular meetings, and develop caucus-supported goals and strategies.

When putting together an NMO, a variety of formats can be used, including gathering at a remote location for a retreat-style overview along with all members, or a dedicated weeklong training period prior to the start of a new legislative session. Lengths of sessions will depend on the amount of information to be covered and may include a combination of presentation or seminar-style lectures, in addition to moderated discussions. A few NMO speaker suggestions, as well as potential questions to guide these sessions, are provided below.

### **Potential Orientation Speakers**

- Former and current MPs who have histories serving with various types of parliamentary caucuses (i.e., issue-based, demographic, regional).
- Former or current parliamentary staff who have supported the work of caucuses within parliament.

### **Potential Orientation Questions**

- How do parliamentary caucuses increase issue and demographic representation within parliament?
- What benefits do caucuses provide to individual MPs? Why would MPs be incentivized to join certain caucuses? Are there any downsides to joining?
- Why is it important that caucuses adopt rules and procedures, elect caucus leaders, and develop goals and strategies?
- How can caucuses contribute to issue specialization for MPs? How can parliamentary resources (such as funds to hire caucus staff or dedicated office space) assist caucuses in achieving their goals?

## **XI. Independent Offices and Departments of Parliament, Services for Members**

As both the size of legislative bodies and the scope of work of members has evolved over the years, the need for new services and support has been met, for the most part, through the development of professional parliamentary services. Few parliaments have full autonomy over their own budgets and annual funding requests are put forward as part of the government/executive budget process. Parliaments that lack financial independence in budget setting are often at a disadvantage in securing adequate funding for services, having to compete with other public priorities, such as the delivery of health care and education.

The goal of parliamentary services is to provide specialized support, confidential advice and facilities to meet the changing and increasingly complex role of members and committees. For the most part, decisions about support for members, including salaries and allowances, are made by internal legislative committees generally chaired by the speaker, with the secretary general or clerk and members of the political parties elected to the parliament. These committees have general responsibility for the operations of the parliament, including the staff, security and the building complex.

Decisions on increasing MPs' salaries and funding other support services are rarely popular with the general public. Some parliaments have used independent advisory panels to recommend improvements in pay levels.

It must be noted that providing an adequate level of service to members in many parliaments and legislatures can be limited by resource constraints. Consequently, members are sometimes faced with trying to perform their public and legislative duties without the resources they need either in the legislature or in their constituency. There is often little public support for increasing the assistance provided to members.

In terms of structuring legislative support, a variety of models have been adopted for service delivery. In some cases, support services to members are provided through stand-alone "independent offices." While other legislatures have opted for these services to be delivered through "departments" within the legislature which report to the head of its administration for budget and program purposes. Independent offices and services typically serve the entire legislative branch, offering nonpartisan, objective support to members and staff, regardless of party affiliation. These offices are critical in the development of objective, fact-based data that helps all members more effectively represent their constituents and carry out effective oversight. These services exist primarily for legislatures, and yet also serve as a critical vehicle for expert information and research for the public on key government and policy issues.

Greater access for citizens to legislative proceedings and an increased focus on engaging with citizens on both policy and legislative change have also raised the demand for new services. Adequate technology infrastructure is often a challenge for legislatures, but it has opened a range of new opportunities for engaging citizens, particularly in the work of parliamentary committees.

The staff from these offices or legislative services will often be involved in providing induction and orientation programs for new members to familiarize them with the services available and legislative procedures. Most legislatures have prepared member manuals that lay out in detail the benefits available to members, staffing allocations, funding for constituency offices (if provided) and other requirements of the office, for example, financial disclosure reporting and codes of conduct for behavior.

## Library and Research Units

Parliamentary libraries have developed recognizing the need for members to have access to information that is authoritative, balanced, objective and factual. Parliamentary duties require members to respond to a wide range of complex financial and public policy issues, as well as the introduction of new laws and regulations. The nonpartisan information provided through a legislative library service ensures that members can weigh the full range of consequences of policy proposals and make better and more informed decisions.

The role of the parliamentary library service is particularly crucial where the parliamentary parties lack their own dedicated research units. Many legislatures combine both library and research services into a single unit. Most legislative libraries provide access to the public for collections of documents and books, although preference is always given to member requests.

A research service may be staffed to provide confidential research for members, and in some cases, parliamentary committees. Some legislatures have opted to set up a separate dedicated research service to support the higher level of technical support required by parliamentary committees.

These services are nonpartisan and available to all members. However, many library services deal with ongoing resource challenges as generally they must compete with other legislative services for funding allocations.

The legislative library staff can often provide valuable information and advice to members. It is good practice for members to introduce themselves to the staff of the library and be briefed on the range of services and support available. In particular, members should understand the process for making requests for information and any timelines that have been set in the request process.



HDP hosts an exchange in Nairobi, Kenya between the U.S. Congressional Research Service and the Kenyan Parliamentary Research Service to discuss strengthening parliamentary research support processes. (NDI, 2022)

## Select Global Legislative Library Service Models

**The National Parliamentary Library of Georgia** is also the country's main scientific library. Spread across six buildings, it houses scientific publications, reference services and a digital library. Dedicated research support is provided through the library to each of the 17 parliamentary committees.<sup>65</sup>

**Sri Lanka's parliamentary Library** has provided library services to members since 1833 when members of the country's Legislative Council requested a library to assist their work. The current parliamentary Library houses a Research Division, headed by a chief research officer and a small team of three senior research officers, three research officers, and four assistant research officers. Its mandate is to respond to the research requests from members, the speaker, and deputy speakers, and to support parliamentary association activities. The team produces briefing papers on topical issues and policy impact reviews as well as requests for support from parliamentary committees.<sup>66</sup>

**North Macedonia's Parliamentary Institute (PI)** provides timely, objective and accessible services to the legislature. The PI is established in the Law on Assembly of North Macedonia to enhance its legislative, oversight and analytical-research capacity. The PI, and its 25 employees, operates directly under the office of the secretary general and is composed of two departments—the Department on General Analysis, Research, and European Integration, which conducts research based on requests or proactively, and the Department on Education and Communication, Library and Legislative Archive of the Parliamentary Institute, which carries out education and information activities.<sup>67</sup>

**The German Bundestag has an office of Research Services**<sup>68</sup> that is part of the Research and External Relations Directorate-General, one of the four directorates-general of the administration of parliament.<sup>69</sup> There are 11 research sections in the office of Research Services that support members and their constituencies by supplying specialized information, analyses and expert opinions. The topics covered by the research sections include: history, contemporary issues, history and politics; foreign affairs, international law, economic cooperation and development, defense, human rights and humanitarian aid; constitutional law and public administration; budget and finance; economics and transport, consumer protection, food and agriculture; labor and social affairs; civil, penal and procedural law; building and urban affairs; environment, nature conservation, nuclear safety, education and research; health, family affairs, senior citizens, women and youth; culture, media and sport; and European affairs.

**The U.S. Congress** has three support agencies, including the **Congressional Research Service** housed under the jurisdiction of the **Library of Congress (LOC)**. Additionally, the Congressional Budget Office (CBO) and the Government Accountability Office (GAO) support Congress and its members and staff in an objective, nonpartisan capacity.<sup>70</sup> The LOC holds the distinction of being the largest library in the world and offers the most comprehensive range of services and support to members. The LOC's Law Library provides comprehensive research and reference services to members of Congress and the public on foreign, comparative, international, and U.S. law during all stages of the legislative process and across a broad range of public policy issues. For members of other parliaments who lack access to research services, the extensive online collection of reports and other documents available to the public through the LOC is a valuable source of reliable information.

## Budget Offices

Legislative budget offices are an important innovation in providing support to members and parliamentary committees on legislative budget procedure and analysis. With the purpose of providing independent advice to MPs and committees on the impact of budget measures and other fiscal policies, these bodies help balance the power of the executive by giving members access to a reliable and independent source of information and analysis.

Reports developed by legislative budget offices are of great value to members and staff as they provide access to reliable and independent assessments of the financial impact of budgets and other government decisions, for example, major procurement contracts. They may also provide MPs and staff with critical information on projected outcomes of different policy provisions, leading to informed decision-making on legislative initiatives that impact the nation's budget or citizen services and programs.

Legislative budget offices provide confidential advice to members on request. They may also provide objective, nonpartisan analyses related to the impact of policy or budget measures. Members have the option to disclose to the public the contents of the reports they receive.

Prior to the establishment of the CBO in 1974, a number of European countries had set up economic councils, independent fiscal institutions, to provide neutral advice on the fiscal impact of government policies. However, the value of the work of the CBO was apparent and this model, of providing independent advice to members, has been more broadly adopted by a number of parliaments. There is now an international association of parliamentary budget officers helping to develop and share practices in providing budget support to members.

The mandate of the CBO is “to provide Congress with objective, nonpartisan and timely analyses of legislative proposals and of budgetary and economic issues to support the congressional budget process.”<sup>71</sup> CBO's staff includes economists, public policy analysts, lawyers, information technology specialists, editors, among others.

CBO's chief responsibility under the Congressional Budget Act is to help the House and Senate Budget Committees with matters under their jurisdiction. It also supports other congressional committees—particularly the Appropriations, Ways and Means, and Finance Committees—and the congressional leadership. It also produces reports required by law, including the annual budget and economic outlook.

Other budget offices have a more limited mandate. For example, the role of the Parliamentary Budget Office (PBO) in Kenya is focused primarily on parliamentary committee support with a direction, among others, to “provide professional services [for members] in respect of budget, finance, and economic information to the committees of Parliament.” The PBO is officially a directorate of Parliament, and not an independent office. It is to report to relevant committees on “any Bill that is submitted to Parliament that has an economic and financial impact.” It also may propose an alternative fiscal framework. The legislation setting up the PBO does include an explicit direction that it should “observe the principle of public participation” in the budget, reflecting Kenya's constitutional commitment to including citizens in decision-making. All reports and publications developed by the PBO are required to be published and publicized within 14 days of development.

Australia's Parliamentary Budget Office has a unique aspect to its mandate which includes the responsibility for the costing of election platforms. It provides a report after every election on the fiscal impact of election promises by the major parties.

Despite the clear benefits that this parliamentary support model provides to members, only a small number of PBOs have been set up globally—18 to date. This is perhaps due to the reluctance of government leaders to further empower members with effective tools for financial oversight.

If you are elected to a legislature with a parliamentary budget office:

- ✓ If you have not been provided with a briefing on its services, ask to meet with the staff to hear about the services that are provided and how to make requests for assistance.
- ✓ Make a practice of reviewing the reports produced by the parliamentary budget office and ask for briefings on the contents.

## **Legal Drafting Offices**

Drafting a law to be presented in a legislature is a highly technical and specialized exercise. There are rules for form and content that have been developed over time. Legal drafting offices provide technical support to MPs for developing and introducing legislation.

In legislative bodies where individual members may introduce legislation, ensuring that a “bill” is in the proper form is essential for it to be accepted for consideration. Drafting staff can provide guidance on how to develop your proposal. If a bill fails to meet the necessary technical requirements for legislation, it will not be accepted, and the member will have missed an opportunity to present the bill.

In most legislative systems, laws are drafted not by individual legislators but by specialized drafting units in a government department, such as a department of justice. These experts prepare the legislation for introduction in the legislature. Members will then conduct a review and debate the merits of the legislative proposals. This is the process of legislative oversight. In-depth review may be conducted by parliamentary committees.

Even in legislative systems where the executive controls the legislative process, individual members may be able to introduce bills. These bills must still meet all the technical requirements for legislation. Generally, there will be staff in the legislative administration, such as a clerk’s office, who can provide advice and assist with ensuring that a member’s bill meets the formal requirements for legislation to be accepted.

The congressional system in the United States, however, gives members a primary role in the legislative process and the introduction of bills and the most comprehensive support. The House Office of Legislative Council provides legislative drafting services to members of Congress for bills, amendments, statutory language for reports and the text of certain motions.

Legislation may also have to meet other statutory or policy requirements, such as a gender equality screen for gender impact.

Members should take the opportunity to familiarize themselves with the process for submitting requests for assistance to a legislative drafting office, particularly any timelines that are set.

## **Legislative Recording/Hansard Offices**

The legislative recording service is responsible for publishing the official record of proceedings of legislative bodies. In the Westminster parliamentary model, it is often named the “Hansard Office.” The Hansards were a family of printers who worked with the British Parliament. Now, these recording services may also be responsible for legislative broadcasting and the webcasting/streaming of legislative sessions.

Members may want to quote statements that have been made by ministers or other members in legislative sessions or committee meetings. In this situation, any words that are attributed should be the words that were actually spoken on the floor of the legislature. The recording office produces official transcripts of the proceedings and can provide a verbatim record of what was said. If a member is challenged about the accuracy of the statement, the official transcript is evidence.

Kenya's National Assembly is an example of a legislature where the recording/Hansard and archive services are combined in one office. It sets the following responsibilities for its official recording service:

“The Hansard Editor is an office in the Parliamentary Service responsible for the records of proceedings of the National Assembly and its Committees. The Hansard Editor is also the official archivist for the National Assembly in charge of custody of all Journals, Reports, Papers, Magazines and National Assembly Proceedings.”<sup>72</sup>

The usual duties and responsibilities of the Hansard/Recording Editor can include transcribing and publishing the record of daily proceedings as the official record of the legislature.

### **The Legislative Archives**

The role of a legislative archive is to maintain the records of the proceedings of legislative bodies, including preserving bills and any other documents that are presented as part of official proceedings of the legislature. Its responsibility is to preserve the historical record of the legislature. Parliamentary records management has a long history, dating back to 1497 when a decision was first made in the British Parliament to retain the Acts of Parliament.<sup>73</sup>

Most countries have adopted legislation that sets out the process for the identification of legislative documents that are to be preserved in the legislative archives, as well as the process for the collection, protection and disposition of those documents and other records.

The legislative archives office will also be responsible for providing public access to these records. Many legislative archives also offer online access to citizens and researchers to the legislative document collection.

### **Public Affairs and Communications**

With the evolving role of members and greater efforts made to engage citizens in parliamentary work, new demands have been placed on legislatures to provide greater access to citizens to the physical complex of the legislature, but also to its proceedings. And with this recognition that citizens can make a deeper contribution to the development of public policy, reviews of budgets and legislation, information platforms and other legislative processes are being restructured to allow for more meaningful citizen participation.

Social media platforms are increasingly used to provide regular updates on legislative sessions and other events. In most legislatures, both meeting sessions and committee meetings are livestreamed or webcast with a number now using Facebook Live to provide greater access for citizens.

Legislative staff are now often required to support members holding committee consultations both in the legislative complex, but also when committees conduct site visits or community information sessions.

Public outreach and education programs for citizens are now a common programming activity for legislatures. For example, the island state of Fiji's Parliament has launched a “Parliament Bus” initiative.

Both parliamentary staff and MPs participate in public information tours where sessions are held in more remote communities to provide information on how Parliament works, discuss concerns and answer questions.

For major new public policy or legislative initiatives, legislative committees will frequently conduct consultations with citizens as part of the process of developing recommendations for their report to the legislature. These may be held both at the legislative complex and through a community tour.

Legislative staff will also have ongoing responsibilities for organizing conferences and official visits of dignitaries and delegations. Staff may also assist in capacity-building sessions for members and will generally lead induction programs for newly elected members.

Media relations are also an ongoing responsibility of legislative staff. In some legislatures, there are permanent media offices. In others, media may attend sessions or committee meetings and may request interviews or information on the proceedings from legislative staff.

### **Parliamentary Support Office Resources**

- *Guidelines for parliamentary research services*, Inter-Parliamentary Union
- *Development of Parliamentary Research Services in Central Europe and the Western Balkans*, National Democratic Institute
- “Organizational Structure - Congressional Research Service,” Library of Congress
- *Use and Impact of the Guidelines for Parliamentary Research Services*, IFLA
- *The Role of Independent Fiscal Institutions*, Organisation for Economic Co-operation and Development
- “Network of Parliamentary Budget Officials and Independent Fiscal Institutions,” Organisation for Economic Co-operation and Development
- *Strengthening the Role of Parliament in the Budget Process: The Role of Parliamentary Budget Offices*, Westminster Foundation for Democracy
- *House Office of the Legislative Counsel Guide to Legislative Drafting*, House Office of the Legislative Counsel, U.S. House of Representatives
- *Legislative Drafting Rules*, International Association of Legislation
- *The Center for Legislative Archives*, National Archives, U.S. Government

### **Key Takeaways**

1. Independent offices in legislatures strengthen institutional memory and sustainability by establishing repositories for information related to legislative operations, affairs and history, which is critical to maintaining functional legislative institutions over time.
2. Independent offices strengthen the professionalism and capacity of legislative institutions by providing members and staff with expert, objective and fact-based information that directly advances effective lawmaking, representation and oversight.
3. Independent offices expand the capacity of legislators and staff, regardless of party affiliation.

When putting together an NMO, a variety of formats can be used, including gathering at a remote location for a retreat-style overview along with all members, or a dedicated weeklong training period prior to the start of a new legislative session. Lengths of sessions will depend on the amount of information

to be covered and may include a combination of presentation or seminar-style lectures, in addition to moderated discussions. A few NMO speaker suggestions, as well as potential questions to guide these sessions, are provided below.

### **Potential Orientation Speakers**

- Current and former staff of independent legislative offices
- Experts of affiliate organizations that support research and provide data and analysis that support information produced by independent offices (i.e., academic institutions or leading think tanks)

### **Potential Orientation Questions**

- How can independent offices be reached in a given legislature? How do members and staff place requests?
- How do independent offices handle private requests for information that cannot be shared with the public?
- How do independent offices prioritize requests received by legislators and staff in balance with ongoing demands for information maintenance and output?
- How do independent offices ensure proper cataloging of information produced over many years (both in print and online)?
- How do independent offices ensure the information they provide is strictly objective and nonpartisan? Are there times when the information is partisan in nature?
- How are independent offices funded in the national budget, and who has jurisdiction over their hiring and work responsibilities?

## XII. Political Parties and Party Groups

Though their features and duties vary across various systems of government, political parties play an essential role in all democracies. Parties represent one of the primary mechanisms through which constituents participate in their country's governance and have their representational interests heard and advanced by those in power. At their core, parties are political organizations that group together constituents behind common interests, values and ideology. In this way, parties aggregate policy and representative interests held by individuals into broader organizations in pursuit of political power.

For voters, parties are particularly useful because, through their association, they are able to participate and influence political outcomes more effectively than they otherwise would have as individuals. Driven by their shared issue stances and ideology, parties allow citizens to make more informed choices as to which political leaders to support without the need to know each and every candidate and their exact stances on every issue. Instead, parties provide voters broader labels and policy platforms that help voters differentiate between candidates and their respective issue stances.

Party groups and caucuses within legislatures are also important institutional instruments. It is important to note that they may have different names, structure and inclusion in a legislature depending on the country's system and its institutional makeup. Some references to political parties and groups in the legislature include *party caucuses*, *party committees*, *party groups*, *party factions* and *party conferences*. They help organize the chamber, facilitate its business, and promote healthy competition and debate on ideas and policies. In healthy multiparty systems, vibrant parties also ensure minority interests are represented in government, encourage compromise between coalitions and encourage oversight of the executive.

If parties have joined together to form a governing coalition, significant effort may be required to develop a sustained consensus on legislative and policy priorities. In some cases, smaller parties that are coalition partners may also share cabinet positions adding to the challenge of maintaining agreement within the ruling parties.

In situations where minor parties hold the “balance of power” with votes that can determine if a government continues in office, or is defeated, then significant effort may be required by party leaders to arrive at and maintain coalition agreements for support. Party leaders who are experienced negotiators and understand the need for compromise are often the key to securing and maintaining these arrangements.

### A. Functions of Political Parties and Party Groups in the Legislature

Parties serve many specific and interrelated functions, both within and outside of parliament. For the purpose of this manual, focus will center on functions within parliament. Such functions include:

- a. **Organization:** In nearly all legislatures, parties shape the culture, procedures and power structure within the chamber. Most parliaments organize themselves along partisan lines. Parliaments are made up of a number of individual members, some representing individual constituencies and others by party groups, preferred policies and representational priorities. Parties aggregate those interests into informal caucuses, conferences or groups that help the chamber function efficiently and effectively and better represent the collective interests of their constituents. Moreover, because most legislatures grant their members authority to adopt and change their own rules of procedures with sufficient member support, parties—and particularly the majority party—may seek procedural changes to how business is carried out within the chamber.

Parliamentary committees are also almost always organized by political parties, with the majority party allocated more seats, and thus, control because of its greater numbers. Parties within the legislature are responsible for selecting party leaders who take leading roles in setting the overall direction of the party organization, political strategy and message campaigns. Members often delegate authority to their elected leaders to negotiate, publicize party views and achievements, and represent their partisan and coalitional interests with opposition parties and other governmental actors, such as the executive.

Party leaders, informed by their party members, are also primarily responsible for determining the chamber's agenda, or what issues or bills will receive the chamber's attention. In short, parties, banded together by their shared belief systems and through the powers granted to their party leaders, act in concert to promote and advance their legislative and representational priorities. Because of their coordinating capabilities, political parties are indispensable organizational components that greatly aid the legislature's collective decision-making responsibilities.

- b. Policy Formation:** Guided by their shared policy stances and ideologies, political parties offer collective visions for how the country should be governed. More specifically, parties propose public policies and policy platforms that they will seek to implement should they be elected. Advocated party policies and platforms are regularly broad in that they signal the party's general position in an effort to give constituents and voters a clear viewpoint of what the party believes in relation to other parties. To develop the specifics of certain policies, parties work with a litany of stakeholders, including elected lawmakers, researchers, academics, civil society representatives and private sector practitioners. Parties can also conduct focus group research with constituents to give them a better idea of what issues are of critical importance to certain populations and what constituents believe on given issues.
- c. Elections:** The fundamental goal of all political parties is to win and maintain political power in order to advance their policy interests. Parties compete for political power through elections. Thus, parties are critical mobilization organizations that seek to inform, register, motivate and turn out voters on behalf of their common ideology and policy interests. In the effort to win elections, parties offer a variety of resources, including clear, unifying policy and electoral messages to diverse candidates and constituencies; campaign staff and funds; technology; and communications strategies, voter research, and candidate recruitment and training. The bargain made with voters during election campaigns is that these promises will be implemented if the party is successful in winning a majority of seats.
- d. Governing:** Political parties, both majority and opposition, are essential to democratic governance. Majority parties set the overall direction of the parliament and attempt to implement their promoted policies while in power. Opposition parties offer alternative policy solutions and promote accountability of the majority party. Each ensures that citizens feel their voices are heard and represented by members of the legislature.

## **B. Role of Majority/Coalition Party**

The primary role of the majority party is to advance and implement their stated policy preferences. Accomplishing this goal depends heavily on the country's governmental system. In multiparty (two or more) political party systems, for example, the party that wins the most votes (and/or elects the greatest number of members of parliament) wins control of the legislature. That is, they become the majority party within parliament. With majority status often come institutional and procedural advantages, such as right

of recognition on the chamber floor and the chairing of parliamentary committees. *All MPs should refer to their legislature's rules of procedure to identify the rights and privileges afforded to majority and minority parties.*

Within parliamentary systems, the majority party also wins control of the executive branch; the head of the winning party is named the prime minister, or chief executive, and party members are appointed to the executive's cabinet. In presidential and hybrid systems, however, the legislature and executive are elected separately, and the executive and legislature's majority party may represent different political parties.

Importantly, in many multiparty systems, it is common for one party to win more seats than any other, but less than all of the other parties combined. In order to form a true majority coalition then, two or more parties form alliances to advance their legislative agenda and stall opposition legislation.

No matter the system, the majority party relies on its outsized control of key institutional processes—procedural, agenda-setting, committee attention—to promote, advance and adopt its preferred policies. By working with its party and coalition members, the majority party identifies the issue areas that enjoy widespread partisan support and are of primary importance to its constituents. The party then focuses the chamber's processes, both messaging and policymaking (mostly through committees), on those identified issues. Advancing the party's legislative agenda not only transforms its preferred policies into law, it also provides a record of achievement for the party to reference in future campaigns.

The ability of the majority party to successfully adopt legislation is dependent on many factors, including the size and strength of the opposition, the procedural rights and authorities granted to the majority by the legislature's rules of procedure, political and economic conditions, the power of the executive, and public opinion. To minimize the negative impacts of these and other factors, majority parties, and especially their leaders, seek high levels of party discipline wherein members vote with their respective policies whenever possible.

### **C. Role of Opposition**

As the name suggests, the opposition party's primary function is to challenge legislative initiatives offered by the majority party or ruling coalition. Opposition can take on a variety of forms and tactics and can often contribute positively to the governing decisions of the legislature.

In most legislative systems, there is institutional recognition of the opposition party or bloc with the largest number of seats. This status grants special privileges and institutional rights in parliamentary proceedings, such as the right of first reply to the budget and other major policy announcements. Additional research and other resources are also allocated as the principal opposition party/bloc generally has the primary responsibility for legislative and financial oversight of the executive.

There may also be a range of smaller, minor parties represented whose members may support either the government or opposition through formal or informal arrangements. Smaller parties may not have the right to committee membership, which limits the range of legislative action that can be taken by these parties.

Members may also be elected as "independents" with no formal recognition or status within the legislature. These members generally have limited opportunities for participation in the proceedings.

Depending on the rights afforded to the minority party by the legislature's rules of procedure, opposition parties can often introduce amendments to a proposed bill—both on the floor and within committee—in

an effort to bring the measure more in line with their preferred positions. Minority parties also often try to stall legislation through procedural mechanisms within the chamber, such as speaking at length against the measure on the floor or calling for drawn-out recorded votes to delay proceedings.

Outside of the legislature, opposition parties regularly try to galvanize public opinion against the majority party's efforts. Working through the media and directly with their constituents, opposition parties often attempt to mobilize stakeholders and voters to make their adversarial opinions heard by the majority or inform constituents about the potential effects or unintended consequences should a majority-supported policy be adopted into law.

Beyond stalling the majority's legislative efforts, opposition parties ensure that all constituents, particularly those holding minority views, are represented within the legislature. They offer voters a clear and viable alternative policy platform, and work through their political and messaging apparatuses to publicize and gain support for their alternative legislative visions. In doing so, opposition parties promote accountability of the majority party in parliament and of the executive by exercising their procedural prerogatives within the chamber. Good democratic governance depends on good, purposeful opposition.

Given their role in challenging the majority, it is common that opposition and minority parties are labeled as unhelpful obstructionists within government. Opposition parties within healthy legislatures often struggle to find the right balance of challenging the majority and thwarting their efforts at any price. The aim of opposition parties, and their members, is to healthily and respectfully differentiate policy priorities between the parties and use justifiable mechanisms to influence and persuade the public and majority party toward their desired policy ends.

### **Maintaining Party Discipline—The Party “Whip”**

An important task for the leadership of party caucuses is to keep members informed about the daily business that will be conducted in the legislature—the scheduling of debates, the introduction of new legislation, votes, committee meetings, among other routine procedures. Especially in a minority parliament, every member's vote is crucial to the party maintaining its ability to govern.

This responsibility is generally assigned to an experienced member who can inform and organize the caucus members. This position, often designated as the “party whip,” is a crucial one, especially in large caucuses. Whips may be elected or appointed by party leaders to organize the members to carry out legislative business, including lining up speakers to participate in debates, attending committee meetings and monitoring the positions of caucus members to ensure they will be voting to support the party's position.

For members who fail to support a caucus position or speak against a policy the party supports without securing approval from the party leadership to do so, some form of discipline will be levied. These consequences can include removal from committee positions, losing a position as an official “spokesperson” for the party inside parliament or, in some cases, even removal from a cabinet position. Public dissent is seen as weakening the party's authority as an effective political party. In some cases, it may result in drastic consequences with the defeat of a governing party or coalition.

### **D. Working Across Party Lines**

It is common, particularly in coalitional governments, that the majority party or coalition needs a number of votes from the minority or opposition party in order to pass laws. In other words, majority parties often do not have the numbers necessary to pass their agenda on their own. In such instances, working

with members of other parties is critical. It can mean the difference between enacting policies or a stalled legislative platform.

Some legislatures have a history of majority and minority parties working together to adopt policies; many others have none. Cross-party legislating is desirable for many reasons. For one, it necessarily means that the policy stances of members from different parties, rather than just those held by the majority, are included in the adopted legislation. This not only results in more representative policies, but also incentivizes the minority party to seek areas of compromise with the majority in future policy efforts with the knowledge that the minority is a proven, willing partner. Bipartisan legislating also shows both members and constituents alike that their legislators can and do work together to represent their interests, an important signal that the parliament's parties and members take seriously their institutional lawmaking and representational responsibilities.

Serving as members of legislative committees also provides an important opportunity to build relationships with colleagues in other parties. These relationships, from time to time, have been crucial in averting a parliamentary crisis as the parties have an existing relationship of trust and mutual respect on which to base negotiations.

In most parliaments, there are informal cross-party issue-based groups where members of opposing parties or members from different chambers can come together to discuss policy challenges in an informal setting. Participating in international parliamentary association meetings and delegations is also a platform for building trust between members by creating the space for cross-party discussions out of the public eye.

Though each country has its own unique party dynamics—including size, strength and governing histories within parliament—below are several universally applicable suggestions to maximize the likelihood of successful bipartisan legislative efforts.

- 1. Relationships are key:** Legislating is fundamentally a relationship-driven effort; it demands many actors work together in order to achieve success. The most successful lawmakers are those who recognize that today's opposition can be tomorrow's partner. They work to develop relationships with other lawmakers, both personally and professionally, and attempt to assist their colleagues whenever possible. Lawmakers who call on others only when they are in need are less likely to develop the longstanding fruitful partnerships that policy changes often require. Parliamentarians who reach out to members on a personal level, particularly those of other parties, and express genuine interest in their colleagues, their priorities, issue stances and constituencies, are far more likely to cultivate bipartisan relationships. More fundamentally, it is much harder for members who have authentic connections with others to be seen as a nemesis who must be stopped at all costs.
- 2. Identify areas of overlap:** Parties have genuine policy disagreements, oftentimes drastically so. There are many issues on which broad bipartisan agreements are simply impossible. Despite this reality, there are often policies where parties maintain overlap in terms of what is desirable and acceptable. Parties, often driven by individual MPs, should work to identify and act on instances of policy stance overlap. MPs should recognize that issue overlaps are most likely on smaller, noncontroversial matters. On high-salience issues that voters recognize and have strong stances on, it is likely that the parties are less willing to compromise. Identifying policies that can attract members across the ideological spectrum requires outreach and direct conversations. Here, relationships again prove essential.

3. **Privacy can help:** Legislatures and their MPs are aware that transparency is a fundamental tenet of democratic governance. With that said, off-the-record private settings offer individual MPs an opportunity to have honest conversations with colleagues about their stances, intensity of preferences and acceptable legislative outcomes. These conversations often reveal areas of policy overlap and provide more productive opportunities for bipartisan negotiations because members feel they have more flexibility to negotiate. More public settings, in contrast, are often viewed by MPs as occasions to appear steadfast and uncompromising in their stances as a means of showing where they stand to their constituents. These private settings should not be replaced or confused with official MP actions—such as floor statements and floor and committee votes—which must remain open to the public in order to maintain vital institutional transparency and accountability.
4. **Good faith efforts matter:** Motivations behind legislative actions matter. They signal intent to other members. MPs who act in good faith—even if their actions are for the sole purpose of stopping legislative proceedings—are held in much different regard than members whose goal is to simply disrupt the parliament’s business. MPs in the latter category often develop reputations as inflexible legislators whose primary goal is obstruction rather than seeking legislative solutions. Relatedly, members willing to ignore institutional tradition and norms in favor of political expediency are far less likely to develop the relationships necessary to advance policies within the chamber. MPs generally understand the political motivations of members with whom they disagree; they recognize that opposing members want to stop or stall their legislative actions because they feel their own solutions are better for their constituents and the country. However, how they pursue those ends, the actual steps they take, matters tremendously. Efforts made in good faith and with respect for colleagues and institutional processes are perceived much differently than those of the opposite sort.

#### E. **Balancing Political Party and Parliamentary/Legislative Priorities**

Establishing clear and consistent channels of communication between the members of the parliamentary party and the broader membership of the political party can help reduce the conflicts that can arise when party members do not feel their concerns and policy priorities are receiving sufficient attention from the parliamentary caucus. Party members who worked hard as volunteers to elect members to the legislature need to feel their concerns are taken seriously and are not ignored.

Regular meetings between elected members of the legislative caucus and party activists to discuss issues and explain why specific positions were adopted can help establish a firm foundation for communication. Social media also provides new tools for regular contact with party members to keep them informed about the successful work of their parliamentary party.

#### **Additional Political Party Resources**

- *Reflect, Reform, Reengage: A Blueprint for 21st Century Parties*, National Democratic Institute
- *Technology: A Planning Guide for Political Parties*, National Democratic Institute
- *Coalitions: A Guide for Political Parties*, National Democratic Institute
- *Best Practices for Effective Parties: Three Training Modules for Political Parties*, National Democratic Institute
- *Political Parties and Political Finance*, United Nations Office on Drugs and Crime

## Key Takeaways

1. Political parties play an important role in all democracies. Parties are essential organizational instruments that group together voters and lawmakers behind common values, interests and ideologies.
2. Within parliament, parties perform a variety of functions, including policy research and formation, chamber organization, electoral mobilization and messaging.
3. The majority (or coalition) party is typically granted many institutional and procedural advantages over the minority (or opposition) party. These generally include agenda-setting prerogatives on the chamber floor, committee chairships and scheduling powers (including within committee).
4. In many legislatures, especially within coalition governments, political parties depend on votes from minority party MPs to adopt legislation. Personal, collegial and respectful relationships between members of differing political parties are critical to bipartisan legislating.

When putting together an NMO, a variety of formats can be used, including gathering at a remote location for a retreat-style overview along with all members, or a dedicated weeklong training period prior to the start of a new legislative session. Lengths of sessions will depend on the amount of information to be covered and may include a combination of presentation or seminar-style lectures, in addition to moderated discussions. A few NMO speaker suggestions, as well as potential questions to guide these sessions, are provided below.

## Potential Orientation Speakers

- Former and current MPs, particularly those who have served within party leadership roles or as committee chairs. Additionally, former MPs who have served in both the majority and minority can provide valuable insight into differences between the two.
- Former or current officials who have served within coalitional governments and parliaments. Such individuals can provide necessary perspectives on the need for parties to work together, including good practices to incentivize bipartisan legislating.
- Former or current partisan staff, especially those who have supported party whip operations.

## Potential Orientation Questions

- How do political parties help organize the legislature? What advantages do majority parties enjoy within parliament?
- Why are agenda-setting powers so important to legislating? What about chairing committees?
- What are the advantages for MPs to be a member of a strong political party? Are there any disadvantages? How can the disadvantages be mitigated?
- What are the best ways to incentivize or encourage bipartisan legislating? How can privacy help foster bipartisan relationships? What are the trade-offs that come with working behind closed doors?

### XIII. Parliamentary Communications and Transparency

The legislature's principal mission is to ensure that citizens' preferences are heard and reflected in government. To meet this critical mandate, it is essential that both the legislature and its members make their work, processes, and products transparent and easily accessible to its citizens.

High levels of parliamentary transparency result in numerous societal benefits. It leads to more informed decision-making within parliament and reduces the likelihood of corruptive actions by members. It also allows public scrutiny of the legislature's actions and processes, thereby increasing member accountability and maximizing public confidence in the legitimacy of parliament. Finally, effective transparency practices help foster closer relationships between parliaments and civil society, and empower citizens with necessary information to more actively engage in legislative and electoral processes.

#### A. Institutional Transparency

Transparent legislatures understand that parliamentary information belongs to the public. As such, they create multiple platforms for citizens to easily access legislative and government data and information. Additionally, transparent parliaments offer citizens various methods to engage the legislature and its members, including the ability to request parliamentary and governmental information. These methods include, but are not limited to:

- a. **Institution Website(s):** Perhaps the most critical and widely used transparency tool is an institution-wide website that proactively, consistently and accurately uploads pertinent parliamentary information for public access. The parliament's website is best thought of as an informational hub for all of the legislature's business made available electronically. Such information and data may include:
  - Text of introduced bills, legislation, amendments and adopted laws;
  - Record of parliamentary business, including floor proceedings and actions;
  - Text of floor speeches and member statements;
  - Legislative calendars, including working days, upcoming and planned votes, committee hearings and markups, and district work periods;

Izmira Aitch, Senior Legislative Assistant to Rep. Gwen Moore (D-WI), and staff of the Parliament of Kenya discuss strategies to improve citizen representation through legislation and communication. (IRI, 2022)



- Governmental budget data, including detailed budgets published in downloadable and machine-readable formats;
- Recorded votes, including vote totals, individual member votes and absent members;
- Parliamentary rules of procedure, including member codes of conduct and relevant member disclosures;
- Information relating to the management and administration of the chamber, its staff, history and public facilities;
- Committee proceedings, including transcripts of member and witness statements, committee votes and actions, committee reports, and evidence or testimony submitted for the record;
- Links to MPs' personal websites, committee websites, historical government data, other governing institutions; and
- Contact information (telephone numbers, email addresses and physical addresses) for MPs' personal offices and relevant parliamentary offices, including methods for submitting comments and/or constituent service requests.

To ensure the public's access to timely and accurate information, the website should be updated regularly. The website should also include robust search capabilities to aid citizens' searches for information. When internet access is limited to particular regions and/or populations, the parliament may work with intermediaries to ensure its information is readily accessible.

- b. Public Broadcasting:** In addition to publishing parliamentary information online and in print, some legislatures broadcast their proceedings to the public via public access channels, or increasingly, through online streaming capabilities. Public broadcasting of parliamentary business provides a convenient opportunity for interested citizens to view the work of the legislature and its MPs. Policy debates, votes, floor actions and committee actions are the most commonly broadcast parliamentary activities. In many instances, parliaments and committees will record their sessions and later post them online for public consumption. The individual chambers and committees will often share similar recordings on their respective websites, including links to previously recorded sessions and hearings.

Notably, not all legislatures, however, have the capabilities, resources or capacity to publicly broadcast their operations. Depending on the rules of the chamber, individual MPs may record and post their actions through social media platforms for public broadcasting. Such direct outreach to citizens not only increases the transparency of the legislature and the MP, but also provides an efficient means of explaining an MP's actions and reasoning, as well as a visual representation of the MP doing the important work expected of their office.

- c. Public Records Office:** Most legislatures establish a public records office that is responsible for collecting, compiling, digitizing, and publishing parliamentary and governmental information. This office is often tasked with maintaining the official record of the parliament, including publication of actions taken within the chamber, floor proceedings, member statements and debate, transcripts of legislative text, and amendments. This work requires a stenographer to be placed within the legislature during plenary session to accurately record its activities and statements. The public records office typically makes the record, and other public records, such as the government's regulations, passed laws, rules of procedure and founding documents, available to citizens in print and electronic formats, including in searchable formats for reader convenience.

1. **Public Records:** In an effort to maximize transparency and citizen involvement, a legislature's office of public records may also compile and make available a host of governmental data for public consumption. Data items, such as current and previously adopted budgets, statistics on legislation introduced and passed by MPs, a repository of committee actions and hearings, and a historical calendar of parliamentary actions, may be made available for viewing and download.
  2. **Informational Requests:** Making data accessible to the public is an important function of a transparent legislature, but it is also essential the public have the means to submit requests for parliamentary information and data. The public records office—or a similar parliamentary office—should maintain a clear and easy to navigate process for the public, including media outlets, to request information from parliament, including the ability to track the progress of their information requests. Parliament should ensure that information requests receive an accurate response in a timely fashion.
  3. **Civic Education and Understanding of Parliamentary Functions:** To increase public support and understanding of parliament's functions and duties, the legislature should provide the public information and accessible explanations as to the legislature's constitutional role, structure, rules of procedure and workflows. The parliament should also provide accurate and regularly updated member directories, which include MPs' credentials, office and staff contact information, and partisan affiliations. This can be achieved via parliament's website, or through individual MP websites and social media, or through legislative libraries and research institutions.
- d. **Media Availability:** The media—print, news and electronic—are an essential component of parliamentary transparency. As such, maintaining and offering media access to individual MPs and the legislature as a whole is critical. So as to institutionalize media access, the parliament should offer a robust credentialing process for members of the media, and clear explanations of rights and limitations of media access and availability. At a minimum, credentialed media members should have free access to parliamentary spaces, including a press gallery in the chamber to monitor and report on legislative actions. Where allowable under the rules of the body, the media should also have high degrees of access within committee rooms, as well as regular opportunities to question MPs and party leaders outside of regular business and committee engagements.
- e. **Public Access to Buildings:** As a public institution, citizens rightfully expect a reasonable degree of access to parliamentary buildings, including MPs' offices, the legislature and related informational offices, such as the office of public records. Subject to safety and space limitations, citizens should have the ability to make appointments with individual MPs, whether directly or through a legislature tour office, as well as stop by their official public office and receive an audience (though this audience may not be directly with the MP). Relatedly, citizens should be able to book guided tours of the capitol complex to see the parliament and its operations firsthand. Finally, members of the public should have reasonable access to witness parliamentary business, including viewing floor proceedings from a visitor's gallery and the ability to be in the audience during public committee sessions.

## Transparency through Effective Democratic Governance: The Work of OGP and its Partners

The Open Government Partnership (OGP) is a multilateral organization, currently consisting of 78 countries globally whose governments have entered into agreements with civil society organizations (CSOs) to work collaboratively to deliver better results for citizens on a range of issues, including budget transparency, gender, access to information laws, anti-corruption, among others.<sup>74</sup> All OGP governments sign the “Open Government Declaration” and commit to working with CSOs to jointly agree on a set of reforms to be included in the national action plans. The focus of the organization includes supporting members to use policy frameworks to meet the targets in the plans. As members of OGP, governments and civil society groups jointly develop “national action plans” identifying clear commitments to strengthen transparency, accountability and public participation in government. These two-year plans typically include a focus on making data and information publicly available. Structured assistance is provided to the participants to help meet the reform goals. If your government has signed a “declaration,” it is appropriate for members to question the status of commitments and progress that has been made on identified priorities.

### B. MP Transparency Practices

Every MP has a duty to promote a culture of openness and transparency during their time in office. This requires a variety of proactive practices, including those that ensure public access to MP information and actions, understanding of legislative and parliamentary functions, and inclusive participation and contact between constituents and members.



HDP hosts a regional summit in Buenos Aires, Argentina where members of parliament from across Latin America discuss best practices for transparency. (IRI, 2019)

- a. **Multiple Avenues of Communication:** In order to reach as many constituents as possible across diverse environments and communities, MPs should maintain several communications channels across a variety of platforms and technologies. For MPs representing diverse communities, these channels should be accessible in multiple languages, and be tailored to ensure individuals with disabilities, in addition to those living in rural or underserved communities, have adequate access.

These channels may include:

1. **Social Media:** Social media platforms—including Twitter, Instagram, Facebook and YouTube—offer invaluable access to MPs free of charge to both MPs and constituents. Consequently, MPs should maintain active accounts to disseminate relevant information directly to viewers, including explanations of parliamentary actions, links to relevant news stories or legislative proposals, and promotional materials relating to legislative activities or matters of citizen interest. Additionally, social media platforms are increasingly being used by MPs to speak in their own words, outside of party or parliamentary organizations, straight to constituents and followers. For this reason, they are becoming a valuable electoral and political tool to connect with the public, influence public opinion and build coalitions.
2. **Newsletters:** Many MPs publish a regular electronic or print newsletter that details recent happenings within the legislature and significant recent actions taken by the member. These newsletters attempt to provide a simple, understandable update of parliamentary business for busy constituents. They highlight adopted bills or important committee efforts to signal to readers that their interests are being well represented within parliament. Importantly, the newsletters often list upcoming MP availabilities or events, as well as provide contact information for citizens to contact the MP's office for assistance.
3. **Press Releases:** When MPs feel the need to make their position or stance on a topic known, they often issue a press release online on their website and social media platforms for public and news media consumption. More detailed and contextual than a social media post, a press release often provides quick background on the subject matter, an explanation of recent actions and quote(s) from the MP to state their official position in their own words. These quotes are often published in news stories by traditional media outlets. Press releases are most commonly issued on matters



Former U.S. Reps. Peter Roskam (R-IL), Mike Conaway (R-TX), and Nick Rahall (D-WV) and members of Kosovo's Assembly Committee on Agriculture, Forestry, Rural Development, Environment, Spatial Planning, and Infrastructure discuss committee operations. (IRI, 2021)

of high salience to ensure an MP's position is conclusively stated for the public record, or to explain their action (or inaction) on a matter on which they are diverting from the expected party position.

4. **News Media:** MPs also regularly make themselves available for news media interviews to answer questions about chamber activities, issue positions or personal behavior. News media outlets often maintain large followings, and thus, are effective tools for message distribution. Moreover, because the media is an essential transparency actor, MPs must recognize their right to monitor the legislature and MP activity, including the authority to pose questions to MPs.

**b. Member, Coalition and Committee Websites:** Beyond the electronic resources previously described, each MP, party and coalition, and parliamentary committee should maintain its own website to maximize transparency and citizen contacts. Such websites should include contact information—telephone numbers, addresses of physical offices (both in the legislature and any relevant district offices), email addresses and forms to request constituent service assistance. Personal MP and party-related websites should also provide:

- Member background, biography and committee assignments;
- Updates on legislative efforts, including text of introduced legislation;
- Talking points on major issues or policy proposals and stances on high-salience issues or those affecting large populations (i.e., health care, veterans, educators, families, economy, climate change);
- MPs' personal voting history, including within committee and any relevant position explanations;
- Answers to frequently asked questions, including constituent service processes and contacts; and
- Links to recently published media stories,
- as well as services for veterans and other populations.

Committee websites should post links to recordings and/or transcripts of previous sessions, committee history and jurisdiction explainers, announcements of future work sessions and hearings, witness testimonies, bill text scheduled for consideration, committee members (with links to their personal pages), adopted committee rules of procedure, and committee contact information.

**c. Published Disclosures:** To minimize the appearance of any suspected conflicts of interest, MPs should make any required parliamentary disclosures available to the public via their personal websites. Potential disclosures are discussed in greater detail in **Section V**, and include:

1. Personal financial disclosures: itemized lists of personal and company assets (e.g., owned properties and stock holdings) and liabilities (e.g., mortgages and lines of credit);
2. Private interest disclosures: registry of MP's private interests, including associations with lobbyists/special interest groups, consultant relationships, previous work or employment relationships, seats on board of directors, etc.
3. Campaign finance disclosures: MPs should also include links to electoral or campaign finance data, including fundraising and expenditure reports required by the country's relevant election commission or agency.

- d. **Regular Constituent Meetings:** As public officials, MPs have a duty to make themselves available to constituents at regular intervals and in multiple settings and locations. These may include district town hall meetings, virtual conference calls, community forums, online social media events and within their personal offices at the legislature. Relatedly, personal office staff should also make themselves accessible and responsible to the public via constituent meetings and events to promote better lines of constituent-MP communication.
- e. **Public Comment Submissions:** To encourage civic engagement and better respond to the direct concerns of constituents, MPs, their offices and associated websites should make available methods for constituents to submit public comments and questions to their representatives. Public comments can relate to pressing local needs, positions on a bill or proposal before the legislature, questions relating to a recent comment or action taken by the MP, personal constituent service assistance, access to parliamentary or government information, or to simply register an opinion or stance on a political issue.

Some legislatures require that draft legislation be open to citizen comment. To encourage broader understanding of the measure, MPs should provide public access to the proposed bills, or provide public information on where to access the legislation if offered through a government website or other information-sharing portal, as well as any additional background information, budgetary impacts, and any associated precatory analysis related to the draft legislation.

Subject to capacity and time constraints, the MP should make every effort to respond directly to constituents who make a direct comment to, or request of, an MP, particularly if the MP directly represents the constituent in parliament.

### Additional Transparency Resources

- *Open Parliaments*, Open Government Partnership
- *OGP's Participation and Co-creation Toolkit*, Open Government Partnership
- *Declaration of Parliamentary Openness*, OpenParliament.org
- *Legislative Transparency Toolkit: Concepts, Tools, and Good Practices*, ParlAmericas
- *Good Practices in Transparency and Citizen Participation: In the Legislatures of the Americas*, ParlAmericas and United Nations Development Program

### Key Takeaways

1. Public access to parliamentary information is essential to the maintenance of public confidence. It also promotes accountability between constituents and the parliament, as well as informs MP decision-making and increases representation.
2. A variety of platforms are necessary to ensure citizen access to parliamentary data and activities. These include institutional websites, public broadcast outlets, public record offices, robust media access and citizen access to public buildings.
3. To provide transparency on individual MP thinking and activity, MPs commonly use social media platforms, such as Facebook and Twitter, constituent newsletters, press releases and media interviews, regular constituent meetings, and MP and party websites.

4. When putting together an NMO, a variety of formats can be used, including gathering at a remote location for a retreat-style overview along with all members, or a dedicated weeklong training period prior to the start of a new legislative session. Lengths of sessions will depend on the amount of information to be covered and may include a combination of presentation or seminar-style lectures, in addition to moderated discussions. A few NMO speaker suggestions, as well as potential questions to guide these sessions, are provided below.

### **Potential Orientation Speakers**

- Former and current MPs who can discuss the need for parliamentary transparency, including their recommendations for maintaining high transparency standards.
- Former or current public records office employees who can speak to the critical need for accessible, accurate and downloadable parliamentary information.
- Former or current members of the media who depend on parliamentary data and information, including access to MPs for interviews, to report on happenings within the legislature.

### **Potential Orientation Questions**

- Why is public access to parliamentary information so critical? What are common obstacles parliaments face in making information available?
- How has social media contributed to transparency for parliaments and individual MPs? What are the advantages and disadvantages of increased use of social media platforms?
- Why is it critical that parliamentary data be machine readable and easily available for download? Who depends on this information?
- For parliaments with limited histories of transparency practices, what can be done to create institutional commitment to the issue of parliamentary transparency?

## XIV. Resource Annex

### Introductory Resources

- *Putting Parliamentary Self-Development into Practice*, Inter-Parliamentary Union
- *Parliamentary Ethics Committees*, Transparency International
- *Trust in Government: Ethics Measures in OECD Countries*, Organisation for Economic Co-operation and Development
- *Congressional Oversight Manual*, Congressional Research Service
- *Recommended Benchmarks for Democratic Legislatures*, Commonwealth Parliamentary Association
- *Parliament and Democracy in the 21st Century: A Guide to Good Practice*, Inter-Parliamentary Union
- *Strategic Planning*, Congressional Management Foundation
- *90-Day Roadmap to Setting Up a Congressional Office*, Congressional Management Foundation

### MP Responsibilities Resources

- *Parliaments Responding to a Pandemic: Lessons Learned for Emergency Planning*, House Democracy Partnership and Swiss Agency for Development and Cooperation
- *Agora Portal for Parliamentary Strengthening & Development*, AGORA
- *Citizen Participation in the Legislative Process*, ParlAmericas
- *Putting Parliamentary Self-Development into Practice*, Inter-Parliamentary Union
- *Evaluating Parliaments: A Self-Assessment Toolkit for Parliaments*, Inter-Parliamentary Union
- *COVID-19: Delivering Parliamentary Democracy: A Toolkit for Commonwealth Parliaments*, Commonwealth Parliamentary Association
- *Serving As a Representative of the People: A Guide to Engaging Your Constituents*, International Republican Institute
- *Constituent Relations Manual: A Guide to Best Practices*, National Democratic Institute
- *New NDI Tools for Political Leaders in the COVID Era*, National Democratic Institute
- *“15 Tips For Being An Effective Legislator,”* National Conference of State Legislatures
- *Guidelines on Promoting the Political Participation of Persons with Disabilities*, Organization for Security and Co-operation in Europe

### Rules of Procedure Resources

- *Robert’s Rules of Order*, Robert’s Rules
- *Parliamentary Procedure: A Legislator’s Guide*, National Conference of State Legislatures
- *The Legislative Process: Overview (Video)* | *Congress.gov*, Library of Congress
- National Association of Parliamentarians

### Ethics Resources

- *Codes of Conduct for Parliamentarians: A Comparative Case Study*, King Prajadhipok’s Institute/UNDP Regional Center Bangkok

- *Background Study: Professional and Ethical Standards for Parliamentarians*, Organization for Security and Co-operation in Europe
- *Trust in Government: Ethics Measures in OECD Countries*, Organisation for Economic Co-operation and Development
- *House Ethics Manual*, Committee on Ethics, U.S. House of Representatives

### **Gender Resources**

- *Breaking the Cycle of Gender Exclusion in Political Party Development*, Carnegie Endowment for International Peace
- *Barriers and Solutions to Increasing Women's Political Power*, Rutgers University-Camden
- *Toolkit for Mainstreaming and Implementing Gender Equality*, Organisation for Economic Co-operation and Development
- *Plan of Action for Gender-Sensitive Parliaments*, Inter-Parliamentary Union
- *A Primer for Parliamentary Action: Gender-Sensitive Responses to COVID-19*, UN Women
- *Women in Parliament: Beyond Numbers, a Revised Edition*, IDEA
- *Men, Power, and Politics*, National Democratic Institute
- *One Size Does Not Fit All: Lessons Learned from Legislative Gender Commissions and Caucuses*, National Democratic Institute and IDEA
- *Gender-Responsive Policymaking Handbook*, International Republican Institute

### **Committee Resources**

- *About Committees and Committee Materials*, U.S. Congress, Library of Congress
- *Rules Governing House Committee and Subcommittee Assignment Procedures*, Congressional Research Service
- *A Quick Look at Parliamentary Committees*, European Parliament
- *Parliamentary Committees*, World Bank Group
- *90-Day Roadmap to Setting Up a Congressional Office*, Congressional Management Foundation
- *New Member Resource Center*, Congressional Management Foundation
- *Building Public Trust through a Responsive Parliament: A Quick Guide to Constituency Outreach*, National Democratic Institute

### **Budget Resources**

- *Parliament's Role in Emergency Fiscal Policy: Lessons Learned for Emergency Planning*, House Democracy Partnership and Swiss Agency for Development and Cooperation
- *Role of the Legislature in Budget Processes*, International Monetary Fund
- *"Role of the Legislature in the Budget Process: Recent Trends and Innovations," OECD Journal on Budgeting*, vol. 7, no. 3, 2007, Organisation for Economic Co-operation and Development
- *Parliament's Role in Budgeting*, Organisation for Economic Co-operation and Development
- *Parliament and the Budgetary Process, Including from a Gender Perspective*, Inter-Parliamentary Union

## Caucus Resources

- *Political Parties and Democracy in Theoretical and Practical Perspectives: Parliamentary Groups*, National Democratic Institute
- *All-Party Parliamentary Groups*, U.K. Parliament
- *Congressional Member Organizations (CMOs)*, Committee on House Administration, U.S. House of Representatives

## Parliamentary Support Office Resources

- *Guidelines for Parliamentary Research Services*, Inter-Parliamentary Union
- *Development of Parliamentary Research Services in Central Europe and the Western Balkans*, National Democratic Institute
- “*Organizational Structure - Congressional Research Service*,” Library of Congress
- *Use and Impact of the Guidelines for Parliamentary Research Services*, IFLA
- *The Role of Independent Fiscal Institutions*, Organisation for Economic Co-operation and Development
- “*Working Party of Parliamentary Budget Officials and Independent Fiscal Institutions*,” Organisation for Economic Co-operation and Development
- *Strengthening the Role of Parliament in the Budget Process: The Role of Parliamentary Budget Offices*, Westminster Foundation for Democracy
- *House Office of the Legislative Counsel Guide to Legislative Drafting*, House Office of the Legislative Counsel, U.S. House of Representatives
- *Legislative Drafting Rules*, International Association of Legislation
- “*The Center for Legislative Archives*,” National Archives, U.S. Government

## Political Party Resources

- *Reflect, Reform, Reengage: A Blueprint for 21st Century Parties*, National Democratic Institute
- *Technology: A Planning Guide for Political Parties*, National Democratic Institute
- *Coalitions: A Guide for Political Parties*, National Democratic Institute
- *Best Practices for Effective Parties: Three Training Modules for Political Parties*, National Democratic Institute
- *Political Parties and Political Finance*, United Nations Office on Drugs and Crime

## Transparency Resources

- *Open Parliaments*, Open Government Partnership
- *OGP’s Participation and Co-creation Toolkit*, Open Government Partnership
- *Declaration of Parliamentary Openness*, OpenParliament.org
- *Legislative Transparency Toolkit: Concepts, Tools, and Good Practices*, ParlAmericas
- *Good Practices in Transparency and Citizen Participation: In the Legislatures of the Americas*, ParlAmericas and United Nations Development Program

## **Additional External Resources**

- [Legislature Meetings and Training](#), NCSL
- [Orientation Handbook for Members of Parliaments](#), World Bank Institute (2006)
- [MPs Orientation Handbook](#), SADC Parliamentary Forum

## **Congressional Management Foundation**

- [Setting Course: A Congressional Management Guide](#) (A manual on setting up and running a congressional office)
- [90-Day Roadmap to Setting Up a Congressional Office](#) (First 90 days in office)
- [Job Description for a Member of Congress](#)

## **Inter-Parliamentary Union**

- [Parliament and Democracy in the 21st Century: A Guide to Good Practice](#)
- [“Self-assessment tools”](#)
- [Guidelines for enhancing the engagement and contribution of parliaments to effective development cooperation](#)

## **National Conference of State Legislatures**

- [New Member Orientation Overview](#)
- [Legislator Training and New Member Orientation](#)

## Endnotes

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