The Role of Parliament
in Promoting Good Governance

The Role of Parliament in Promoting Good Governance

Table of Contents

List of Acronyms

AU	African Union
AUC	African Union Commission
APRM	African Peer Review Mechanism
CBR	Center for Basic Research (Uganda)
CDD	Center for Democratic Development (Ghana)
CSO	Civil Society Organization
ECA	Economic Commission for Africa
EISA	Electoral Institute for Southern Africa
EU	European Union
HoC	House of Commons
IDASA	Institute for Democracy in South Africa
IPU	Inter-Parliamentary Union
MP	Member of Parliament
NA	National Assembly
NCCE	National Commission for Civic Education
NCOP	National Council of Provinces
NEPAD	New Partnership for Africa's Development
NGO	Non-government Organization
PAP	Pan African Parliament
PRP	Parliamentary Reform Project
SROs	Sub-Regional Offices (ECA)
UN	United Nations
UNDP	United Nations Development Program
UNECA	United Nations Economic Commission for Africa
USAID	United States Agency for International Development

Foreword

The parliament or legislature plays an important role in the life of a nation. It thus perform three main functions: a) make new laws, change existing laws and repeal laws which are no longer needed; b) represent and articulate the views and wishes of the citizens in decision making processes and c) oversee the activities of the executive so that the government is accountable to the people. Achieving good governance requires the existence of a strong, effective and efficient parliament. This is so because parliament plays a crucial role in gauging, collating and presenting the views and needs of the people, articulating their expectations and aspirations in determining the national development agenda. As oversight body, parliament helps to identify problems and policy challenges that require attention and assists in overcoming bureaucratic inertia.

In analyzing progress towards good governance in Africa, the second edition of the African Governance Report (AGR-II- 2009) observed that the capacity of the legislature to perform its functions efficiently and effectively is a major concern in many African countries. Indeed, the parliament is the most underdeveloped amongst the three arms of government as it suffered from long years of authoritarian and military dictatorships, in which the parliament was either outlawed or completely muzzled out in governance.

It is against this background that the Economic Commission for Africa (ECA) in its 2010/2011 Work Program for Governance and Public Administration Division (GPAD) conceived the need to undertake a research and prepare a study on "The Role of parliaments in promoting good governance." The research is part of a broader mandate of ECA to promote sustainable economic and social development on the continent in contributing to achieving the MDGs. In addition, this study is in response to various United Nations General Assembly mandates that invite member States and regional, subregional and international organizations to enhance their assistance in promoting and consolidating democracy in Africa, by elaborating, identifying and disseminating best practices and experiences across countries. The study is finally in compliance with the development framework of NEPAD and the Declaration and the Charter on Democracy, Elections and Governance of the African Union. These instruments call upon African countries to nurture and consolidate democratic governance by promoting democratic culture and practices, building and/or strengthening governance institutions and inculcating political pluralism and tolerance.

The study was prepared by a team of staff from the Governance and Public Administration Division of ECA, under the overall supervision of Mr. Abdalla Hamdok, former Director and Mr. Said Adejumobi, Director. The substantive technical preparation of the report was undertaken by Mr. Guillermo Mangué Nnandongo, but the study benefited from technical inputs/review and administrative support of other staff members including Kaleb Demeksa, Gamal Ibrahim, Rebecca Benyam and ECA Publi-

cation services. A group of independent experts drawn from parliaments, other government institutions, private sector, academia and civil society reviewed the draft document at an Ad hoc expert group meeting that took place in Kigali, Rwanda from 4 to 5 June 2012. The comments, observations and recommendations made by the experts contributed significantly to improving the paper and are hereby acknowledged.

It is my candid expectation that the data and information contained in this study will be useful for parliaments, politicians, decision-makers, planners, scholars and researchers in sharing knowledge and experiences across the continent in order to achieve sustainable development in Africa.

Said Adejumobi
Director
Governance and Public Administration Division

Executive Summary

In the 21st Century, there is growing interest more than ever before in issues related to democracy and good governance around the world. This is a reflection of the increasing acceptance of the fact that democracy and good governance are not a luxury, but a fundamental requirement to achieve sustainable development. Parliaments as one of the key state institutions in a democratic system of governance have a critical role to play in promoting democracy and good governance. As the democratically elected representatives of the people, parliaments have the honorable task to ensure government by the people and for the people. In the performance of their key functions of legislation, representation and oversight parliaments can actively engage in the development and implementation of laws, policies and practices that promote democracy and good governance.

This study attempts to analyze the contribution parliament can make to promote good governance and consolidate democracy in Africa. It focuses on the representational role of parliament thereby examining how parliaments respond to the growing public pressure for greater involvement, information, accountability and better service delivery to citizens. It illustrates the different options that parliament can use to better engage with the citizens to fulfill its role of representation. The paper uses examples, innovations and experiences from selected countries around the globe to show how parliamentary representation is evolving, how parliaments are responding to citizens expectations and how the representational role of parliament can be strengthened so that citizen can actively and efficiently participate in decision making processes through parliament.

Within this context, the study is to respond to the increased concern among citizens, civil society organizations and interest groups in recent years for more active involvement in the decision-making processes that affect their lives, including governance, as a means to improve state accountability and responsiveness, and to empower the people. To achieve this main objective the paper seeks to identify, analyze and disseminate best practices on how parliament, through their representational function, can engage with the public and enable citizens to communicate with it in a more efficient and effective manner. In so doing the paper focused on three main areas: (i) outreach activities; (ii) involvement of the media; and (iii) online communication. The paper analyzed legal, institutional and policy frameworks necessary for parliaments to promote public participation in decision-making processes, through their representation function, which is considered as the bedrock of democracy and good governance. The study strived to present a framework within which the parliament can engage with the citizenry for the promotion of democracy and good governance.

Three instruments were used, namely: questionnaires, field visits and desk research. The questionnaire was used to obtain primary data and was addressed to parliaments and parliamentarians in selected African countries for which contact information where available. The overall aim of the ques-

tionnaire was to gather more information in order to find out how African parliamentarians interact with the people they represent in their respective countries and how best this interaction could be improved. Field visits were conducted to three selected countries: Ghana, South Africa and Uganda. The choice of the three countries was made for convenience in view of the following: first and foremost on the basis of financial limitations; second on the reforms undertaken by those countries in recent years that are justified in the name of democracy, good governance and greater citizen participation; third geographical representation; and finally for their active involvement in the APRM processes. A number of other cases, both African and non-African have also been used to demonstrate the various ways in which people have been able to engage with parliaments.

The study indicates that people involvement in policy decision making and implementation processes is an extremely important aspect for the promotion of democracy and good governance and key to the promotion of development in Africa, particularly at this time when the continent needs to marshal all its available resources for economic and social development. For the moment, the involvement of the wide spectrum of people in decision-making processes, including governance, is rather limited in most African countries.

While earlier literature on African parliaments in the 1970s and 1980s emphasized the fact that African parliaments lack legislatives/constitutional powers, responses obtained from recent studies, including our questionnaires on this study, indicate that the main challenge of most African parliaments today could be summarized as "lack of capacity" both human, financial and material. Most Parliamentary Committees have no advisors or sufficient research staff. There is very limited physical space for Committees meetings and most MPs do not have appropriate offices and the necessary equipment to perform their functions efficiently. In terms of engaging people, access to rural areas, due to limited means of communication is a very big challenge.

Some of the key findings of the study are that first, parliament as an institution is but a part, certainly a vital part, of the democratic system. Second, despite the efforts undertaken by most African countries in promoting people's participation in decision making processes, a number of them still lack appropriate laws, policies and mechanisms towards enhancing citizens' participation in economic, social and political decision-making. Two critical aspects for ensuring the success of this endeavor are firstly, the need to integrate parliament's public participation function within its overall mechanism, structures and operations, and secondly, to provide the appropriate resources (human, financial and material) and capacity to both individual members of parliaments and parliamentary committees for it implementation. Third, a common criticism of parliamentarians and politicians in general with respect to participation is that they only engage the public during an election campaign, and once elected they lose interest in local concerns. Although this may not always reflect the reality of the way some elected representatives work, but it is a powerful perception among the citizens in most African countries. Involving the public in policy making meets therefore a fundamental public desire

to be listened to and taken seriously at all times. The ideal scenario would be a close cooperation between parliaments and the respective societal actors vis-à-vis the governments, within an established framework which is: sustainable, structurally integrated, thematically embedded, politically relevant, broad-based and inclusive, decentralized, representative, conflict-aware, and safeguarded by the rule of law.

The study concludes that a democratically elected parliament is the only true voice of the people and accountability to the people it serves is the basic plank of a democratic system. As such, the quality of elections is crucial as parliaments can hardly fulfill their roles, specifically the role of representation, if elections are flawed. People involvement in decisions-making that affect their lives is not a mere luxury. People are the owners of government. As such, they have a vested interest in civic affairs and in actively being involved in decision-making processes at all levels and in all dimensions. While people voting their representatives is the most basic and fundamental form of their engagement in decision making processes, equally important are the voluntary activities and services that enable them to create their own organizations and interest groups to express their grievances. For those groups to be more effective in their interrelations, people must have basic understanding of the governments, organizations and, to some extend, of domestic and international issues. Only knowledgeable and informed citizens can actively participate in their national and local government affairs and hold them accountable for the resources they receive and the services they provide.

The study makes recommendations to ensure that people's voices will influence those in the executive who make government decisions and develop and pass laws, and that people will feel confident their preferences will be taken into account at all times. Those recommendations are based on what the author heard during the field visits, answers from the questionnaires and evidences from the literature review. While it is not possible to include in this study every valuable and thoughtful idea and concern, many of those relevant views and experiences are however set out in the text and they provide a representative sample of what the author came across during the research. On this basis, the study recommends, among others, that:

    (a)   Government should promote civic education for people to have basic understanding of their constitution, government organization and functions. Thus, only knowledgeable and informed citizens can meaningfully participate in the national and local decision-making processes;

    (b)   Governments should adopt appropriate laws and policies so that citizens' participation in decision-making processes could go beyond casting ballots at elections and referendums to being more able to participate effectively in the work of various institutions of governance, both at national and local levels.

(c) For democracy to gain roots and good governance to flourish in Africa the primary function of the MPs should be to find out what people want and what their pressing issues are, so that the legislation the parliament passes could deal with those critical issues; and

(d) Parliament should strive to empower citizens to actively participate in the governance processes through active participation in elections, constitutional reforms, and contributing to the government policy agenda.

(e) For parliament to promote democracy and good governance, thereby enhancing people's participation, it should be more open and easily accessible to the public so that the citizens could follow more closely the activities and operations of the parliament in decision-making processes that affect their lives, including governance. The involvement of the media to this endeavor is highly recommended.

Chapter I: Introduction

Overview

1.   In the 21st Century, African citizen has many needs and aspirations as never before. These range from the basic needs of preserving and sustaining life, reducing poverty, ensure peace, security and stability, to the aspirations of improving the quality of life; from basic freedoms and human rights and the rights to participate in the decision-making processes that affect one's living and livelihood to a sense of well-being and self-esteem. Responding to these needs and aspirations would obviously involve all the domains and levels of governance: executive legislature, judiciary, village, district and city councils as well as the other agencies in the civil society and private sectors. It will also be bound to be collective efforts, requiring the participation of the people, institutions and agencies of governance, civil society and the private sector. People, with their ever changing needs and wants, fears and aspirations are thus at the centre of the development and democratization processes. For development to be meaningful and sustainable, it must be initiated and undertaken by the people themselves. Only when the people effectively participate in the development processes can development truly be of their choice. But the people must be sufficiently empowered, provided with the relevant information and knowledge, education and training so that they can effectively and meaningfully participate in the development processes. In fact, people now demand empowerment and participation in the development and democratization processes.

2.   The existence of a parliament is not synonymous with democracy, but democracy cannot exist without a parliament.[1] Democracy, in its various manifestations over the centuries, is by far the most coveted political system that serves to link government to the people. A democratically elected parliament is the only true voice of the people and accountability to the people it serves is the basic plank of a democratic system and one of its core principles is the principle of political equality, meaning that political power should be distributed as widely and evenly as possible among the people. This principle is captured by the adage: government of the people, by the people and for the people.[2] Nevertheless, the very nature of democratic rule has been the subject of fierce ideological and political debates.   These debates boil down to the attempt to answer the following central question: Who are the people?

3.   In trying to answer this question, one should bear in mind the fact that one of the core features of democracy is the principle of political equality, meaning that political power should be distributed as widely and evenly as possible among the people. This brings in turn another question: who constitutes "the people"? Simplistically the answer could be: the entire population. In practice,

---

1   UNDP/IPU, Global Parliamentary Report, 2012.
2   Lincoln's Gettysburg, address delivered in 1864 at the height of the American Civil War.

however, every democratic system has some restricted political participation, sometime very severe restrictions.

4.   Since the early 1990s, there has been a growing interest in issues related to democracy and good governance around the world. This phenomenal growth of interest reflects, in part, the increasing acceptance of the fact that democracy and good governance are not a luxury, but a sine qua non requirement to promote sustainable social and economic development (Haider 2008). Democracy, which is the basis for good governance, provides space for all people in a given society to interact, intervene and participate in issues that affect their lives. Consequently, good governance implies participation, transparent, accountable, effective and equitable management of the public affairs where the actions of public officials are guided by rules. Good governance also implies that public resources and authority are used to benefit the entire community. In practical terms, democracy and good governance require, among others, active participation in decision making processes by the people, directly or through their duly elected representatives, parliaments and/or associations. Thus, participation not only recognizes people as citizens but makes government more representative of, and responsive and accountable to, the people it seeks to serve.

5.   Governance entails a series of decision-making and their implementation. It is the quality of these decisions and the manner by which they are implemented that determines the effectiveness of governance. The quality of decisions and the effectiveness of their implementation will depend on a variety of factors, ranging from the constitutional/legal and ethical, the human and material resources, the working environment, leadership, commitment and the political will, as well as the pattern of decision-making and its management.

6.   The parliament as an important arm of the State has a crucial role in promoting and protecting democracy and good governance thereby establishing not only the necessary check and balances, but also developing norms and standards for institutions of democracy and governance. The role and functions of parliament to promote democracy and good governance assume great significance today in view of the basic principles and assumptions associated with parliamentary democracy (Sayeed 1992). A parliamentary democratic system acknowledges the fact that, parliament derives its powers directly from the consent of the people expressed through periodic elections and that parliament is to implement the will of the people, among other functions.

7.   In Africa, there is an increasing appreciation of the role parliaments can play in promoting democracy and good governance. The democratization wave of the 1990s, for example, replaced one-party assemblies with elected multiparty assemblies in several countries (Acevedo 2009). In addition, with the adoption of the New Partnership for Africa's Development (NEPAD) in 2001 there is clear indication and recognition by the African Heads of State and Governments that development is impossible in the absence of true democracy, respect for human rights, peace and security and good

governance. With the adoption of NEPAD, today in Africa democracy and state legitimacy have been redefined to include accountability, a culture of respect for human rights and popular participation as central elements.[3] Through their actions, African leaders have acknowledged that the hopes of Africa's peoples for a better life can no longer rest solely on the magnanimity of others. As a result, across the continent, democracy is spreading, backed by the African Union Commission (AUC), which has shown a new resolve to deal with conflicts and censure deviation from the norm, through such initiatives as the African Peer Review Mechanism (APRM), the Charter on Democracy, Election and Governance, to name but a few. These efforts are reinforced by voices in civil society, including associations of women, youth and the proliferation of private and independent media.

8. These changing conditions in Africa have increased significantly the number of democratically elected leaders on the continent over the last ten years. Throughout the continent it is now generally acknowledged that development is impossible in the absence of true democracy, respect for human rights, peace and good governance. With the NEPAD as a continent's development framework, Africa undertakes to respect the global standards of democracy, the core components of which include political pluralism, allowing for the existence of several political parties, workers unions, and fair, open and democratic elections periodically organized to enable people to choose their representatives and leaders freely.

1.2 Quality of elections and the representation role of parliament

9. For parliaments to be truly representative, elections must be free and fair. Citizens must have access to information about parliamentary proceedings, legislation, and policy, and be able to engage in continual dialogue with parliamentarians.[4] The quality of elections is crucial as elected representatives can hardly fulfill their roles, specifically the role of representation, if elections are flawed. Free, fair and transparent parliamentary elections are critical to building credible parliaments and parliamentarian's accountability. Democratically elected parliament is the only true voice of the people and accountability to the people it serves is the basic plank of a democratic system. In recent democratization processes taking place in Africa since the early 1990s, the citizens, the government and the political leaders are continuously showing progress on their path to building a fully-fledged democracy. Most electoral campaigns are open and competitive, thanks to the legal reforms implemented over the last few years and improvements of the countries' legal framework as a whole. In some cases, elections address most of the international standards for democratic elections, both parliamentary and presidential elections. However, additional efforts are needed to improve the transparency of the election process, and citizens continue to demand greater openness from institutions involved in election administration.

---

3   New Partnership for Africa's Development Basic Document: The New Political will of African Leaders, October 2001.
4   UNDP/IPU, op. cit.

10.   In many countries elections, at all levels, are yet to be free and fair, even though the intensity of voter fraud is not uniform among the emerging African democracies.[5] All electoral processes and structures (i.e. electoral laws, electoral system, political parties and voters registration, processes of voting, ballot counting, proclamation of results, and the adjudication of electoral disputes) must be perceived as credible, transparent and legitimate if the elected representatives are to be true representatives of the people.

11.   Many countries have established electoral commissions, which go by different names in different countries. Their main mandate is to manage the electoral process. Their ability to do so depends largely on their independence. Typically the commissions are established by law or by national constitutions. Their performance in ensuring free and fair elections determines the legitimacy they enjoy among citizens. In many countries, electoral commissions lack adequate autonomy and capacity, which undermines their legitimacy and performance. Most frequently, incumbent regimes seek to manipulate the electoral commissions in order to influence the outcome of elections.6 Against this evidence, it is obvious that securing the autonomy (both political and financial) necessary for the electoral commissions to discharge their responsibilities credibly remains a big challenge in most African countries, hence, the credibility of the elected representatives.

1.3   Research question

12.   Since the early 1990s African people demand participation in the decision-making and development processes, which greatly affect their lives. Participation and consensus are key elements of good governance. This study examines the challenges to promote good governance in Africa through the parliament, with particular emphasis on the representational role of parliament. Responding to these challenges is bound to be collective efforts, requiring the participation of the people, institutions and agencies of governance, civil society and the private sector. The research questions this study aims to answer are: 1) what are the best options that parliament can use to enhance their representational role? and 2) how best citizens voice can be heard in decision-making processes?

1.4   Scope and Objective

13.   Parliaments have a critical role to play in the promotion of democracy and good governance. As a result of their lawmaking, representation and oversight functions, parliamentarians can actively engage in the development and implementation of laws and policies that promote democracy and good governance.

---

5   UNECA, African Governance Report II, 2009
6   UNECA, op. cit.

14.   The paper reviews the different approaches parliaments can use in promoting people's participation in decision making processes, including good governance, which is considered as the bedrock of democracy. In so doing, the paper strives to present a framework within which the contribution of parliament in promoting democracy and good governance can be structured, in accordance with the African Charter for Popular Participation in Development.[7] The emphasis on the representation role of parliament is to encourage and support the current shift from state centrism in political-decision making, which many African countries embraced before the early 1990s, to focus more on the individual as an embodiment of rights, interests and aspirations in a larger political structure, including government.

15.   The main objective of the study is to determine how best the parliament can improve communications between citizens and their government. The study was therefore to identify and suggest best practices that might help African governments to promote democracy and good governance through parliament in the performance of their key functions of legislation, representation and oversight. More specifically the study was to analyze:

(a)   Existing approaches and innovations that could be introduced to improve citizens' consultation mechanisms through the parliament;

(b)   How can government improve its capacity to listen to, understand the needs, and comply with the expectations of the citizens through parliament?

(c)   How can government ensure that the results of citizens' consultations (through parliament) reflect the wishes of the whole community and not only those of vocal vested interests who normally participate in the consultations?

1.5   Methodology

16.   The study used three instruments: questionnaires, field visits and desk research. The questionnaire was addressed to parliaments and parliamentarians in selected African countries for which contacts where available. The overall aim of the questionnaire was to obtain primary data and gather more information on how African parliamentarians interact with the people they represent in their respective countries and how best this interaction could be improved. In administering the questionnaires, the Sub-regional Offices (SROs) of ECA came in handy, using their networks and accessibility to country information and government structures.

17.   Field visits were conducted in three countries. These are: Ghana, South Africa, and Uganda. The selection of these countries was for convenience, taking into account the following considerations: a) financial resources constraint; b) their recent reforms exercises to expand public participation in decision making processes; c) their active involvement in APRM process; d) their strong oversight

---

7   African Charter for Popular Participation in Development, Arusha, 1990.

parliamentary committees; e) the existence of strong civil society organizations and citizen involvement in decision making processes; f) linguistic homogeneity; and g) geographical balance. In the case of Uganda, for example, in addition to these considerations, there was a particular interest in examining the country's non-party democracy type of governance adopted by the National Resistance Army since 1986, with strong citizen participation in governance. The author also visited the Pan African Parliament, as well as some selected governance think-thank institutions on the continent.

18.   Secondary data will be obtained through a desk research. Desk research will rely heavily on the use of available information and data from various countries legislations, government records, APRM country reports, and other literature. Information available on the websites of various countries and parliaments both within and outside Africa, as well as views, opinions and analyses made by scholars, independent researchers and international organizations, will also be used.

Chapter II: Parliament and Good Governance

2.1 Background

19.   Parliaments are crucial to the achievement of good governance in Africa. They are one of the key state institutions of democracy, playing an important role in terms of legislation, oversight and representation. Their representational role include ensuring that citizens and other stakeholders have a voice at the national level and are therefore involved in national governance issues. Regrettably, in some African countries parliaments are weak, ineffective and marginalized. This study aims to enhance the effectiveness of parliaments through institutional development, through building the capacity of parliamentary staff, MPs and committees, and through putting in place the nuts and bolts of infrastructure and equipment to improve the representational role of parliament.

20.   The role of parliament and parliamentarians in promoting good governance requires a proper understanding of the concept of good governance. Good governance is an indeterminate term used in development literature to describe how public institutions conduct public affairs and manage public resources in order to guarantee the realization of human rights. Governance describes the process of decision-making and the process by which decisions are implemented (or not implemented). The concept of good governance is often used to compare ineffective economies or political systems with viable economies and political systems. Because the most successful governments in the contemporary world are liberal democratic states, which are mostly found in Europe and the Americas, those countries' institutions often set the standards by which to compare other states' institutions. Given the fact that the term good governance can be focused on any one form of governance, aid organizations, development agencies and partners, and the authorities of developed countries often focus the meaning of good governance to a set of requirement that conform to their agenda, making the notion of good governance imply many different things in many different contexts.

21.   A survey of different notions of good governance reveals that there are many different understandings of the concept. Institutions such as the International Monetary Fund (IMF), for example and due to partly its limited political mandate, stress on the conditions of market economy and sound financial management as the main attributes of good governance. Other institutions like United Nations and the German Development Cooperation Agency (GTZ) have a much more inclusive approach in terms of political and social aspects. The two institutions stress their focus on key attributes such as participation, rule of law, responsiveness, transparency, accountability, efficiency and effectiveness, and equity and inclusion.[8]

---

8   Dr. Matthias Basedau, Institute of African Affairs, Hamburg, Germany.

22.   In Africa, constraints to good governance stem from its frequent external imposition by donors. It has to be understood that good governance is in the very self-interest of any person and strong leadership commitment is required to at least implement the bigger part of such goals. As a matter of fact, almost any actor will subscribe to the notion of Good Governance or at least pay lip service to it. The Constitutive Act of the African Union (Article 3, g) provides an attempt to define good governance as one of the objectives of the organization: is to "promote democratic principles and institutions, popular participation and good governance." However, the Act does not provide a concrete definition of the term, though many of the other objectives, such as the promotion of peace, democracy and prosperity, could be described as such best practices. Despite all the differences, a common understanding of the term good governance is that. It is the exercise of power and decision-making for a group of people bearing in mind the principles of accountability, effectiveness and efficiency, participatory, transparency, responsiveness, consensus-oriented, and equitable.

2.2   Strengthening the functions of parliament

23.   One of the key factors determining parliamentary performance in every country is the representative quality and effectiveness of its political parties. Political parties perform vital functions in any representative democracy, providing the principal vehicles for the representation of citizens' interests, framing political choices at elections. In almost every parliament around the world, there is a gap between the powers that a parliament has to hold the executive to account and the willingness or ability of politicians to use them. Thus, parliaments do not operate in a vacuum. Their functioning and effectiveness is shaped very much by the context and particularly the political context of which they are part. In Africa, the legacy of one and the continuing dominance of one party in a multiparty system, continue to shape the functioning and performance of African parliaments.

24.   In most countries, the functions of parliament are normally laid down in the constitution or in parliamentary bay-laws of each country. Integrity is one of the major aspects of parliamentarians. In Canada, for example, MPs must agree to "recognize that service in parliament is a public trust," "maintain public confidence and trust in the integrity of parliamentarians" and "reassure the public that Parliamentarians […] place the public interest ahead of Parliamentarians' private interests."9 As one of the major state institutions the functions of parliament are embedded in the general system of checks and balances. In general terms any parliament has to perform three key functions. These are: legislation, representation and oversight.

---

9   UNDP/IPU, Global Parliamentary Report, 2012.

a) **Legislation**

25. In the classical sense the key role of parliament is to make new laws and change or improve old ones laws. This is the reason why the parliament is also known as the legislature. However, the function of legislation of parliament requires both capacity and cooperation. In other words, effective legislation rests on two pillars: a) Parliamentarians need to have the required expertise and support to make effective and fair laws and b) There must be a sense of minimum cooperation within parliament and between parliament and the Executive, in particular as regards the sensitive issue of state. As a matter of fact laws must be efficient and effective. Most laws are written by government departments and introduced into the parliament by government ministers.

26. In most parliamentary systems, the function of law making in parliament entails, among others, the following:

(i) Establish parliamentary committees on specific subjects (e.g. on health, education, budget, Corruption, etc.) and, if necessary, increase their powers;

(ii) Make sure that committees have enough time (and resources) to make them familiar with the issues to be decided, including support staff;

(iii) Provide expertise from within parliament (Library, research units) and m allow for out-side research facilities, including use of modern technology;

(iv) Train new MPs and staff on their rights and duties, including on pertinent subjects (e.g. on the budget);

(v) Draft a code of conduct for all MPs in parliament (e.g. use of abusive speech)

(vi) Ensure fair and clear procedures (e.g. time allocation of speeches; motions, hearings, Orders of the Day);

(vii) Ensure political neutrality of the parliamentary secretariat;

(viii) Establish a committee of mediation between the parliament and the Executive, if neces-sary.

b) **Representation**

27. The representation of people and their interests is the basis of all parliamentary systems. The representational role of parliament concerns norms of behavior. In all of its functions, the legiti-macy of parliament and its members rest upon a central claim: that parliament institutionalizes politi-cal representation in society. The concept of representational role of parliaments aims at understand-ing the relationship between citizens and their representatives, the MPs. It focuses in particular on the questions of how MPs relate themselves to the electorate, whom they represent in their decision making and in what way they aim to represent a given constituency. This representational function of parliament can be analyzed from different perspectives: political, geographical, social, economic and administrative representation. For this study the representational function of parliament refers to the need of making parliament more responsive to people's needs, irrespective of their political,

geographical or social distinction. While physical presence of people or a group of people in parliament may be part of the answer, it is not the whole answer. Effective representational role may require structural changes at parliament so that parliamentarians can speak for the constituencies, even if they cannot speak to them. Examples of such structural changes could include setting up special parliamentary committees that help raise awareness of specific issues (gender, equal opportunities for men and women, disables, children and minority rights, environment, climate change, etc). Such parliamentary committees could have varying mandates, including looking inwards at the working of the parliament without the presence of the interested groups. In addition, they could also hold hearings around the country, enabling less mobile sections of the community, including women with family responsibilities, to participate without the costs of travel.

28.   In most parliamentary systems of governance, the function of representation in parliament entails, among others, the following:

(i)   Make MPs stay in contact with their constituencies, this includes making resources and time available to MPs.

(ii)   Invite citizens to parliament's sittings and to their MPs' offices;

(iii)   Hold information workshops in the Counties on the work of parliament (successfully conducted in Ghana, for instance);

(iv)   Involve civil society in parliament's work (e.g. committees, discussion groups);

(v)   Provide special training to MPs on their role as representatives of the people;

(vi)   Request MPs to keep promises made during election campaigns, thereby delivering results for the constituencies (health, education, infrastructure);

c)   Oversight or Control of the Executive

29.   The issue of control of the Executive is key for tackling misconduct by the Executive branch. The government or executive implements the laws and other decisions of the parliament. As such, parliament should not only cooperate with the Executive but also oversee the latter's actions. The parliament is the only State institution that can hold the government accountable by hearings and committees of inquiry. In case of gross misconduct of the President, such as high treason, parliament can impeach the President. However, in most African countries, Constitutional powers of parliament as regards oversight are limited, laid down in "normal laws" or unclear. One option to address this issue is for the parliament to review and, if necessary, to revise the Constitution (which might prove difficult). It has to be understand that both oversight and cooperation vis-à-vis the President have to be

balanced. Generally, parliament uses the public for effective oversight. In so doing, one must keep in mind however, that parliament will be only credible if it applies strict observance of the law to itself.

30.   In most parliamentary systems of governance, the function of oversight or control of the executive by the parliament entails, among others, the following:

    (i)   Establish regular hearings in parliament, including broadcast discussions in parliament on TV and the Radio;

    (ii)   Establish a "televised question hour" where the President and other ministers are subject to direct questioning by the citizens;

    (iii)   Establish a special Anti-Corruption Committee and discuss and debate corruption issues frequently;

    (iv)   Review and revise, if necessary, the Constitution to beef up parliament's oversights powers vis-à-vis the executive;

    (v)   If necessary, think about impeachment of the president, when gross misconduct takes place.

31.   To better carryout its mandate, the parliament is to organize itself into specific organs called parliamentary committees or commissions. Parliamentary committees are to: a) examine government bills; b) investigate how the government spends money in the budget by participating in budgetary committees; and c) question the government as a group or individual members of government in question sessions.

32.   Special parliamentary committees could help making parliaments more responsive by broadening community access to the parliamentary process, whereby sections of the community or groups lacking in direct parliamentary representation, may thus achieve presence and voice in the deliberative process through their parliamentary committee. The existence of those committees could broaden the participation in the deliberative process of those whose lives will be affected in specific ways by legislative proposals. It is therefore crucial to ensure that those who will be disproportionately affected by legislation have an opportunity to voice their concerns rather than simply being at the mercy of majoritarian decision-making. This does not mean the way governments relate to citizens as clients or consumers of services, but rather how governments interact with citizens in the development and design of policy.

33.   At present in many African parliaments there is very little accountability for how parliamentary consultation processes are used and how they feed into final decision-making. Most African parliaments do not have a requirement that Cabinet submissions specify views presented during community consultation processes and how they relate to final recommendations. Nor do they require feedback to community groups concerning the use made of their contributions. The failure to set up adequate processes for community dialogue over policy development has led scholars such as John Uhr (2009) to suggest that there should be parliamentary oversight to ensure consultation remains meaningful as an institution of representative democracy.[10]

2.3   Parliament promoting good governance: Main challenges

34.   Capable legislatures are crucial in creating an enabling environment for socioeconomic development and good governance in emerging African democracies. The legislature is the principal forum for communicating peoples' needs and the efficacy of the institution to check Executive power through oversight, ensure transparency and accountability in economic management, and formulate coherent laws that uphold human rights. These functions make the parliament a valuable instrument for promoting good governance, democracy and the rule of law. Fulfilling this mandate through the parliamentary processes, however, requires an enabling environment and the legislature to possess some essential organizational and resource capacities. In Africa, four major obstacles can hinder effective functioning of the legislature.

1)   Constitutional dominance of the Executive/Presidency: in most countries extensive decree powers can marginalize the role of parliament in its law making function. This marginalization might also come about by a fragmented parliament that is subject to political manipulation by the Executive. A marginalized parliament will first and foremost damage the oversight function of parliament vis-à-vis the Executive. If the government engages in "bad governance" this will be certainly a serious setback, with potential conflict between parliament and presidency. In the worst of cases this can lead to institutional deadlock which might paralyze effective legislation and governance – by all means an antithesis to good governance. Thus, a minimum of cooperation, also within Parliament, would normally be required.

2)   Lack of resources and/or capacity. Parliament is also known as the Legislature, which underlines the fact that its main function is making laws. Law making function of parliament frequently requires expertise and capacity no one can expect from all parliamentarians on all fields of expertise. Since Parliament does not consist of professional lawyers, who can be expected to understand existing laws and suggest what new laws

---

10   Uhr, J. 2009, "The Australian Model Senate," Canadian Parliamentary Review, vol. 32, no. 1.

are needed, obviously Parliamentarians are not actually making laws. This function in most cases is reserved for professionals, most of who are from the executive and/or the judiciary, with policy decided on by the Executive. The role of Parliament is this case is therefore a very limited one of discussing legislation and approving it.

3) Lack of acceptance in the public. Parliamentarians are the key agents of representation in a democratic system of government. They represent the people. Often, however, parliamentarians do not care about their electorate once elected. As a consequence, laws might not consider the interest of the electorate, might not be explained to the public or parliamentarians fail to fulfill their control function vis-à-vis a possibly ill-performing executive.

2.4   Parliament and participation

35.   Participation is involving people in activities ranging from voting in elections/referenda or joining a union, to discussing politics with friends or engaging in community self-help initiatives. This study takes a deliberately broad view on participation as all voluntary activities that aim to influence political decisions at all levels of the political system. Popular participation in decision-making processes is therefore highly correlated to the nature of the state itself and on the ability of government to respond to citizen's demands. In recognition of this, participants at the International Conference on Popular Participation in the Recovery and Development Process in Africa, which included African people's organizations, African governments, non-governmental organizations and the United Nations agencies, asserted as follows:

> "We believe strongly that popular participation is, in essence, the empowerment of the people to effectively involve themselves in creating the structures and in designing policies and programs that serve the interest of all as well as to effectively contribute to the development process and share equitably in its benefits. Therefore, there must be an opening up of political process to accommodate freedom of opinions, tolerate differences, accept consensus on issues as well as ensure the effective participation of the people and their organizations and associations."[11]

36.   According to USAID (2005), greater involvement of people in decision making is essential for the advancement of democracy, the promotion of good governance and to the achievement of peace and stability in a country. Domination by a single party or group of people and excessive executive control limit competition in the political and economic arenas. In addition, lack of popular participation in government decisions fosters lack of government accountability, transparency and increases public frustration.

---

11   African Charter for Popular Participation in Development, Arusha, 1990, Section II: Promoting Popular Participation.

37.   Parliaments and parliamentarians have a critical role to play in promoting democracy and good governance. As elected representatives of the people, parliamentarians are the "trustees" of public mandate, given periodically through elections (Marshall 2003). The legitimate expectation of the people is therefore that parliamentarians will uphold the national and public interests over other narrow and personal or constituency interests. One of the essential requirements for such a mature political environment to develop is that of regular two-way relationship between parliamentarians and the citizenry, the electorate.

38.   In modern democratic societies parliament represents the will of the people. At least, that is the ideal and the expectation from any parliament. However, one can argue interminably to what extent that ideal is actually materialized (Brian 1997). Some people can think of parliaments that have the appearance of being democratically elected, but are in reality little more than dictatorships. The "hypothetic" parliaments that this study examines are those that are elected through a democratic process and where all Members, whether from the ruling party or from the opposition, they all truly represent their constituents. Below are some highlights of how parliament can engage and interact with citizens to promote participation in decision making.

2.5   Selected country experiences

2.5.1 Canada: Parliament and public participation[12]

39.   In Canada, public consultations by Parliament are primarily done through the Parliamentary Committees. Parliamentary Committees have extensive powers to examine legislation (since 1968, virtually all legislation is considered in detail by standing committees), review government policy, conduct investigations and inquiries, review departmental spending estimates, commission research studies and the like on any issue within the purview of the Committee. Since 1985, these powers have been enhanced with the House of Commons (HoC) adopting a rule that no longer required Committees to seek HoC approval to conduct public hearings or commission studies. Research and technical support services have also been provided to each Parliamentary Committee to facilitate public participation in their deliberations.

   1)   Parliamentary Committees have incorporated new ways of reaching the public by employing new information and communication technologies. For example, the Sub-Committee on the Status of Persons with Disabilities used the Internet to combine electronic and normal consultations with citizens on the Canada Pension Plan Disability (CPPD) issues. At these forums, the public is invited to participate by taking a poll, answering questions on the major issues facing the CPPD Disability program, sharing their person-

---

12   This is an extract from Public Participation in Canada: The Role of Parliament Speaking Notes by Amelita A. Armit, Parliamentary Centre Canada-China Governance Workshop, 10 September 2007.

al stories and by suggesting possible solutions to their cases. Parliament's use of media has also strengthened its interaction with the public. The parliamentary channel, Cable Public Affairs Channel (CPAC), for instance, provides live coverage of various House proceedings, including Committee hearings. This gives the public a first-hand view of how Parliament works, how parliamentarians represent their views, and how various political parties comport themselves.

2) The role of individual parliamentarians in engaging citizens in the policy-making process is also critical. Often, a Member of Parliament (MP) is a citizen's first point of contact for issues that are of concern to him/her and thus, an MP can feel the pulse of citizen's interests and concerns. The establishment of publicly funded constituency offices in 1974 has enhanced considerably the MP's capacity to provide information and assistance to the citizens (Fraser 1980; Stillborn 2002). MPs use these offices to organize information sessions, public forums and several related activities to get feedback on government programs and services and to seek views on proposed legislation and programs.

Box No. 1: The Power of the People exercised through Parliament

The Republic of Nauru is a parliamentary democracy, which means that it has a system of government in which the power is vested in the people, who exercise their power through elected representatives in Parliament. The country also has a system of responsible government, which means that the government (President and Cabinet), which is made up of elected Members of Parliament, is answerable to the Parliament for its actions, and must maintain the confidence of the majority of Parliament in order to remain in power. Members of Parliament are elected to represent the common interest of their constituents, to make laws for the peace, order and good governance of Nauru, and to ensure accountable government for the people of Nauru. Members of Parliament are chosen by the people voting in general elections. All Nauruans aged 20 years and over are eligible to vote, and voting is compulsory. General elections take place at least every three years, or more often if Parliament is dissolved before the completion of its full three year term.

Public access and involvement in the Parliament

In Nauru, people can watch the proceedings of Parliament by sitting in the public gallery of Parliament House, which is open to the public during all Parliament sittings. The public gallery is attached to the Parliamentary Chamber and has a glass wall through which people can see into the Chamber. The public can also watch Parliament sittings live on NTV, or listen to Parliament on Radio Nauru.

There are other ways to get involved in the work of Parliament. People can make submissions to Parliamentary Committees or make submissions on specific Bills. People can write to their Member of Parliament about issues that they believe ought to be addressed by the Government or by the Parliament. In addition, people can visit their Member of Parliament individually. All Members of Parliament other than those in Cabinet have office space in the Parliament building in order to do parliamentary work and meet with their constituents. In addition, if someone wishes to access parliamentary documents that they cannot find on the Parliament's website, or if they have any questions about Parliament that are not answered on the website, people can then write directly to the Clerk of the Parliament stating their concern.

* *The Republic of Nauru, formerly known as Pleasant Island, is the world's smallest island nation, covering just 21 square kilometers. Is an island nation in Micronesia in the South Pacific. Its nearest neighbor is Banaba Island in Kiribati.*

Source: *Parliament of Nauru, Parliament House, Yaren District, Republic of Nauru.*

2.5.2 India: Citizen and the Parliament[13]

40.   The constitution of India recognizes a Parliamentary System of Government. Under such a system there is a curious mixture of the legislative and executive organs of the state. The Parliament provides the Council of Ministers to run the administration of the State and holds it responsible. Article 75(3) expressly states that the Council of Minister remains in office, so long as it enjoys the confidence of the Lok Sabha (Parliament). The Parliament can pass a vote of no confidence against the Council of Ministers which compels it to resign collectively. Thus the parliament holds the ministers responsible individually and collectively. This critical function of the Parliament ensures a responsive and responsible government.

41.   The Parliament of India is composed of the President and the two Houses: the Lok Sabha (House of the People or the lower House) and Rajya Sabha (Council of States or the Upper House). The Lok Sabha is the body of representatives of the people. Its members are directly elected, normally

---

13 Compiled by the Author from Association of Parliamentary Librarians of Asia and the Pacific (APLAP), Eighth Biennial Conference New Delhi, India, 18-22 January 2005.

once in every five years by the adult population who meet the requirements to vote. According to Indian Constitution, Lok Sabha is the House to which the Council of Ministers is responsible to and Money Bills can only be introduced and discussed in Lok Sabha. Also it is Lok Sabha which grants the money for running the administration of the country (approves the budget). Members of Rajya Sabha, on the contrary, are not elected by the people directly but indirectly by the Legislative Assemblies of the various States.[14]

42.   As an organ of information the Parliament has a formidable role to play. All the important administrative policies are discussed on the floors of the Parliament. So that not only the Cabinets gets the advice of the Parliament and learns about its lapses but the nation as a whole is enlightened about serious matters of public importance. This undoubtedly contributes to the growth of political conscious on the part of the people.

43.   In addition, in order to make the citizens aware of the deliberations in Parliament, the Lok Sabha Secretariat has taken several steps to record, telecast and broadcast the proceedings of its House with the help of the official Media (Sayeed 1992). The Press and Parliament work in India includes wider coverage of various parliamentary events, activities and functions of the Lok Sabha Secretariat. The work involves maintenance of liaison with the print and the electronic media and various publicity organizations in both government and the private sectors and is looked after by the Press and Public Relations Wing which is in existence since April 1956. All matters concerning the Press Gallery of Lok Sabha, including admission of newspapers, news agencies, electronic media and their representatives to the Press Gallery of Lok Sabha; granting of passes for Central Hall and Lobby facilities, Press Gallery facilities to correspondents under various categories, allotment of seats, issue of annual/sessional/temporary Press Gallery passes, providing facilities to the media persons covering proceedings of Lok Sabha and its other functions, dissemination of information to the public on the business transacted by the Lok Sabha and other allied matters are normally handled by the Public Relations wing of Lok Sabha (Laundy 1989). About 200 daily newspapers, news agencies and electronic media in various Indian languages are accredited to the Press Gallery of Lok Sabha and about 450 regular correspondents have got access to it. Of these, about 200 have access to the Central Hall where they can informally interact with the MPs/Ministers. In addition, about 600 correspondents from different news agencies are given temporary access facilities for covering the debates.[15]

2.5.3 Namibia: Parliament and the People[16]

44.   The Parliament of Namibia is a bicameral legislative entity composed of the National Assembly and the National Council. The National Assembly is the primary legislative chamber. It shares this legislative responsibility with the National Council (the second chamber). The National Council has

---

14   See Indian Parliament at http://parliamentofindia.nic

15   Ibid.

16   Compile by the Author from the Namibia National Assembly website at www.parliament.gov.na

the mandate to review bills passed by the National Assembly to ensure that laws passed are vision-ary, well founded, broadly consulted, harmonized and judiciously implemented. The Parliament has a Directorate of "Common Services." This Directorate serves both (i.e. Houses the National Assembly and the National Council). The Common Services comprises the Library and Computer Services and it is responsible for providing and maintaining an effective Information and Communication Technol-ogy (ICT) infrastructure and for knowledge management.

45.   In the early 2000 the Parliament introduced some new tools called Mobile Training Unit (MTU) and Parliament Online. Both tools were designed to increase citizen's participation in, and the un-derstanding of, the parliamentary processes. The MTU is a bus equipped with 10 clients and a server used during outreach visits of the parliament to constituencies. The use of technology on the MTU is twofold: first, to introduce technology to constituencies; and second to help constituencies ac-cess the parliament's website where they can see their elected representatives' profiles, act and bills and much more information on Parliament. Parliament Online is the Parliament's website allowing citizens access to proposed legislation, MP profiles and a facility to give feedback on the proposed legislation. Although those tools are fairly outdated and the MTU in particular needs to be upgraded and transformed, efforts are being made to upgrade those equipments. In 2008, for example, part of the Table Office processes was automated, a wireless network was installed in the National Assembly Chamber, and Table Office staff members were provided with laptops. This allows Table Office staff to compile the proceedings (The Minutes and The Order Papers) of the National Assembly and distribute these from within the Chamber via electronic mail. Previously they had to return to their respective offices to finalize the proceedings. This network also allows the creation of an open network for journalists covering the parliamentary debates to stay in contact with their press rooms and editors thereby speeding up media coverage of National Assembly debates.

2.5.4 *Turkey: Parliament and citizen participation in law-making process17*

46.   The Turkish Parliament amended its bylaws to extend citizens' participation in the legislative process and to seek opinions of non-governmental organizations on proposed bills. Under the new law, when a new proposal or motion for a bill is made to Parliament, the Speaker's Office seeks the opinions of relevant NGOs about it. However, the biggest challenge was the determination of which NGOs were relevant in every field. To address this issue, the Parliament drew up a detailed list of NGOs that contained information about membership numbers, areas of activity, addresses, phone numbers and the like.

47.   When a bill is proposed in a particular field, it is not sent immediately to the relevant Par-liamentary Commission, but to the inboxes of those NGOs considered to be relevant in that field, with the request that they submit their views and opinions about it within a specified period of time.

---

17   Compiled by the Author from Ercan Yavuz in Today's ZAMAN, Ankara, Monday, 15 October 2007

Thereafter the bill is conveyed to the relevant Parliamentary Commission together with the views and opinions of the NGOs. This serves to increase popular participation in the law-making process. This also ensures that the Commission makes final touches on the bill that take into consideration the views of the people through their NGOs. In the past, the chairperson of a parliamentary commission was free to consult to the NGOs -- or not and their opinions were generally ignored with respect to bills that are introduced by the government because it was assumed that their opinions have already been obtained during the preparation of the bill.

2.5.5 Zambia: The Parliamentary Reform

48.   With the wave of democratization taking place in Africa in the early 1990s, Zambia felt the need to change its system of governance from a single party state to a multi party democracy in 1991. This reform was driven by three main reasons. First, to enhance democratic governance in the country; second, to strengthen parliamentary oversight of the activities of the Executive; and third to allow for increased participation of the citizens in the affairs of the country. With a view to addressing some of the limitations and inconsistencies which existed in the one party system of governance there was an overarching need to introduce parliamentary reforms. The Parliamentary Reform Program was adopted to enable the Zambian Parliament bring about accountability, transparency, and good governance in the government system. In addition, the need to realign the handling of the business of the House arose out of the trend that existed in previous Zambian legislatures where most parliamentary businesses were dealt with in committees. To conduct the reform exercise an Ad hoc Reforms Committee was appointed. The Committee's task was to undertake a study and make recommendations in key areas which needed the reform. The Committee made seventy-three (73) reforms recommendations in the following five (5) key areas: [18]

> (1)   MPs – Constituency Relations;
> (2)   The Legislative Process;
> (3)   The Committee System;
> (4)   The Administration of the National Assembly; and
> (5)   The Support Services to Parliament and its Members.

49.   Following the adoption of the recommendations, the Parliament started implementing some reforms in the recommended areas, such as: (i) extension of live broadcasts of parliamentary debates on the radio from 20 to 50 kilometers radius and the subsequent creation of the Parliament Radio to broadcast parliamentary debates live to all towns on the line of rail; (ii) introduction of live television broadcast of parliamentary debates by the Zambia National Broadcasting Corporation; (iii) creation of the Parliamentary Website; and (iv) relaxation of the dress code for members of the public wishing to visit the National Assembly, which in turn led to more visitors attending sittings of the House.

---

18   Extracted from www.parliament.gov.zm

50.   In addition to the above measures, in 2002 another Parliamentary Reform and Modernization Committee, the so-called the Second Parliamentary Reform Project (PRPII) was launched with the specific mandate to examine and propose reforms to the powers, procedures, practices, organization and facilities of the National Assembly in line with the Ad hoc Reform Committee recommendations. The overall goal of PRPII was to have a "Real Parliament for Zambia." A Parliament which is:

    (1)   Representative and Responsive;
    (2)   Efficient and Effective;
    (3)   Accountable and Accessible; and
    (4)   Legitimate and Linked.

51.   The main objective of PRPII to achieve the goal of a "Real Parliament for Zambia" was to increase the independence and effectiveness of the National Assembly as a representative body of the people, as an agent of oversight, change and reform in the democratic governance system. The overarching expected accomplishment was increased responsiveness to stakeholders so that Parliament could fulfill its roles of representation and oversight. In support of this goal, the project worked towards increased interface, interaction, communication and consultation with the citizen. More specifically, the project worked towards four main channels/links of responsiveness:

    (1)   Between the MPs and their constituents;
    (2)   Between the NA and the general public and interest groups in civil society;
    (3)   Between the NA and the Executive; and
    (4)   Between the Office of the Speaker and the MPs regarding the management and administration of the NA.

52.   As a result of the efforts to fulfill the objective of PRPII, a number of successes were achieved, including among others, the following:

    (a)   Twenty-eight (28) constituency offices were established. This served to improve the Member-Constituent relationship and there are now Constituency Offices in all 150 Parliamentary constituencies in Zambia;
    (b)   Mechanisms were put in place to enable the general public and civic organizations to participate in Committee proceedings by way of making submissions. This was made possible by increased publicity of committee sittings and relaxation of rules that served to restrict the public's access to Parliament;

(c) Several workshops were held for Oversight Committees with a view to exposing them to best practices. This enhanced the capacity of the Committees to execute their oversight role; and

(d) Support staffs of Parliamentary Committees were trained to enhance their capacity.

53. At the end of the PRPII it was realized that not all the aspects on the reform agenda envisaged by the Ad Hoc Committee on Reforms were implemented. In this regard, a third phase of the Parliamentary Reform Project (PRPIII) was conceived to address some of the outstanding reform areas and recommendations of the PRPII Mid-Term Evaluation. PRPIII was therefore conceived to continue the pursuit of Parliamentary Reforms in order to fully achieve the goal as stated in PRPII (i.e. to increase the independence and effectiveness of the NA as a representative agent of oversight, change and reform in the democratic governance system of Zambia).

2.6 The Role of the Pan African Parliament

54. Article 18 of the Pan African Parliament (PAP) Protocol requires the PAP to work in close co-operation with Parliaments of Regional Economic Communities and the National Parliaments or other deliberative organs of Member States. In addition, as it is required by Article 3 of the Protocol, the PAP is to consult Parliaments in Africa to develop a mechanism to ensure the sound and effective communication and full participation of the peoples of Africa within the integration processes of Africa. Within these powers, the Treaty on the Establishment of the AU and the Protocol to the Treaty Establishing the African Economic Community relating to the Pan-African Parliament mandate PAP, among others, to ensure that the peoples of Africa are fully involved in the economic, social and political development processes of the Continent.

55. The PAP is therefore, fully empowered to discuss or express an opinion on any matter, either on its own initiative or at the request of the Assembly or other policy organs. It is also empowered to make any recommendation it may deem fit relating to, *inter alia*, matters pertaining to respect of human rights, the consolidation of democratic institutions and the culture of democracy, as well as the promotion of good governance and the rule of law in Africa. It is therefore expected that within the context of promoting participatory development in Africa, PAP would ensure that Member States adhere to good governance, transparency and accountability; enhance the culture of human rights and democracy in Africa; and let the peoples of Africa know what the objectives and policies of the African Union are so that they might be able to integrate themselves continentally while still working within the framework of the AU.

The Africa4all Project is co-funded under the 9th European Development Fund (FED 2009/216-126) by Africa Caribbean and Pacific (ACP) Group and EuropeAid. Is a Parliamentary Initiative designed to provide Parliaments with a customized portal based on the award winning Gov2DemOSS, developed by Gov2U and previously implemented in regional Parliaments across Europe.

Gov2U is a Greek Nongovernmental organization to promote e-democracy as an optimal medium for enabling a more participatory form of government. Gov2U is a non-profit, nongovernmental organization created by a group of professionals from the fields of Legislative Information and Communication Technology (ICT) and community activism aiming to develop tools that facilitate the everyday work of elected officials and that offer citizens a greater stake in political discourse by enabling them to contribute their ideas, suggestions, and opinions.

The main activity areas of the project expertise include the promotion of representative and transparent governance by granting the public access to policy making proceedings through the use of ICT, the improvement of the interface between parliaments and citizens while using and testing new forms and methods of civic engagement, as well as the promotion of efficiency in administrative, communications and information management processes through the application of ICT tools to policy making procedures and the endorsement of measures aimed at strengthening interaction between the excluded and marginalized and their governments, both in the developed and the developing world.

A pilot phase of the project is currently being implemented in the following African countries: Kenya, Lesotho, Namibia, Tanzania and Uganda. The project uses an ICT solution that enables citizens and politicians to better appreciate the impact of legislation, making the complex political debate meaningful and interesting for all citizens. The overall objective of the project is to support the goals of the ACP-ICT Program as they relate to helping ACP governments build sustainable capacity to adapt and implement international good practice in leveraging ICT in Parliaments of ACP member States.

Source: *Compiled by the Author from: www.Africa4all-project.eu*

2.7   The APRM and People engagement

56.   The discourse on good governance in Africa today would be incomplete without some form of recognition of the role that African peoples themselves play in determining and monitoring the manner in which they are governed. Globally, civil society has gained significant ground since the mid-1980s in seeking and often obtaining the protections and freedoms necessary to engage in and (to a greater or lesser extent) direct the course in which governments focus their policies and priorities.[19]

57.   The African Peer Review Mechanism (APRM) is an innovative and challenging initiative in the field of African governance. Is the very first continental governance effort to use a wide participatory approach to solicit popular views of the people about how they wish to be governed. The APRM seeks to create opportunities for African citizens and civil society to dialogue, influence, and shape the outcomes of the governance processes on the continent. It is intended to provide an opportunity for citizens and civil society at large to participate fully in the debates and policy dialogues shaping the governance of their respective countries and public concerns. The APRM emphasize*s* constructive

---

19   Grant Masterson as quoted in EISA, Promoting Credible Elections and Democratic Governance in Africa, 2009.

engagement between the three major stakeholders in national APRM processes: government, private sector and civil society. The overall objective is to capacitate and empower citizens and civil society to engage with national governments on a continuous and mutually-beneficial basis.

58.   Today in most African countries, civil society is taking critical stands for promoting good governance and increasing accountability and empowering communities. Civil society organizations are taking lead in the fight against corruption, monitoring government actions, advocating for rights and freedoms.

59.   The parliament can empower citizens to actively participate in the governance processes through elections, constitutional reforms, and contributing to the government policy agenda. Citizen involvement in policy process increases the chance of policy success. Countries where civil society operates relatively freely with limited government interference have experienced stability, democracy, development and good governance.

Chapter III: Review of the Country Case Studies

3.1   Ghana

3.1.1 Overview

60.   Legislative representation in Ghana dates back to 1850, when the country was a British colony. The body, called the Legislative Council, was purely advisory as the Governor exercised all legislative and executive powers. Between 1916 and 1925 some reforms were introduced, although the governor's power remained extensive (Gaines 2006). In 1946, a new constitution was introduced that allowed for an unofficial member of the Legislative Council to become its president while the governor ceased to be the ex-officio president of the body. This system continued until 1951, when the first elections based on universal suffrage were held, with the Convention People's Party (CPP) wining the election.[20]

61.   The first Legislative Assembly elections were held in 1954. Following the approval of the first Republican constitution, Ghana officially became a Republic on 1 July 1960 and the Legislative Assembly was renamed National Assembly of the Republic of Ghana.[21] In 1964, after a referendum a one-party state was introduced. As a result, only the CPP candidates were allowed to stand for the National Assembly Elections of 1965. In 1966 Nkrumah was overthrown by the military and the latter banned political parties and dissolved the National Assembly. In 1969, the country returned to civilian rule, democratic elections were held on 29 August resulting in a victory for the Progress Party (PP), but this government was toppled in a 1972 military coup. The period from 1979 to 1981, known as the Third Republic, the dominant party in the National Assembly was the People's National Party (PNP). Following a new military intervention in 1981, all elected institutions, including the National Assembly, were dissolved and political party activity was prohibited. After 11 years (1981-1992) of military rule, a new constitution was approved in a 1992 referendum.[22]

62.   Following the return to a constitutional democratic system in Ghana in 1992, political parties were revived. Thus, according to the 1992 Constitution, all citizens of Ghana who are qualified to vote have the right to form a political party through laid down procedures. The Constitution also permits both party sponsored and independent candidates.[23] As a result, in 1996 all parties were allowed

---

20   From Wikipedia, on http://www.state.gov/www/about_state/history/vol_xxiv/s.html,

21   Compiled from Encarta article on Ghana "The new state took its name from that of the medieval empire of Ghana" at http://encarta.msn.com/encyclopedia_761570799/Ghana.html

22   Wikipedia, op.cit.

23   The 1992 Constitution of the Republic of Ghana, Article 94 (1) (2).

to participate in the elections. With the new Constitution, the simple majority (or First Past the Post) voting system is used in Ghana's parliamentary elections.

3.1.2 Parliament and participation in Ghana

63.   Since 1992, Ghana has seen a deepening and consolidation of democracy, strongly hinged on multi-party political participation. Although only a few political parties continue to dominate the politics of the country (i.e. NDC and NPP), the overall impact of constitutionalism on good governance and democratic development in Ghana is considerably commendable. In 1993, the country underwent profound changes in its system of governance, public administration and development management. From 1993 to 2004 the country went through a process of democratic consolidation with four successful and regular elections. In these processes, elected parliaments have been providing the people and their organizations (political and non-partisan interest groups) with opportunities to present the interest of their constituents, make inputs into legislations and participate effectively in the governance process in accordance with the constitution.

64.   In order to promote good governance and development, one of the key elements contained in the 1992 Constitution is the notion of "participatory democracy", highlighted to underscore the idea of every citizen getting involved in the decision-making process of the state and its development efforts at all levels. The clearest expression of this concept includes Decentralization and Local government, as provided for in the 1992 Constitution Chapter 20. In a democracy, effective political, fiscal and administrative decentralization is expected to increase public participation in local decision-making. As rightly pointed out by the NCCE, "though elections are an important part of the country's nascent democracy, for democracy to gain roots and be truly meaningful , citizens' participation in governance must go beyond casting ballots at elections to being able to participate effectively in the work of various institutions of governance, namely District Assemblies, Parliament, the Executive, etc." Decentralizing powers, functions and resources to locally accountable representatives seeks to ensure that decision-making on the development aspirations, provision of social services and equitable distribution of public resources responds to the needs of local communities. Additionally, increased and effective public participation allows communities to hold local representatives accountable for their performance (CDD-Ghana 2009).[24]

65.   In embracing this principle of effective public participation, Ghana has chosen the District Assembly concept as a means of participatory democracy and a form of Local Government. The District Assembly is a means through which the 1992 Constitution seeks to place the development of communities or districts in the hands of the people living in there.

---

24   Local Government Act, Act 462 of 1993.

66.   The District Assembly, which is the highest political authority in the district, is considered to be the centre of management and development decision-making. As such it is a very strong and effective channel through which government is brought to the doorsteps of the citizenry. It is a single structure that is given the responsibility of governance so as to bring about integration of political, administrative and development support needed to achieve equity in the allocation of power, wealth and fair sharing of development in Ghana. It has the authority to make laws and implement them.

67.   District Assembly can be Metropolitan (with population of over 250,000), Municipal (population over 95,000) or District (population over 75,000). Presently there are six (6) Metropolitan, thirty-eight (38) Municipal and one hundred and twenty six (126) District Assemblies in the country.[25]

68.   District Assemblies share five percent of the total revenue of the State to be used solely to develop the districts. Communities are linked to the District Assemblies through the Assemblyman/woman, Town/Area Councils and Unit Committee. The Assemblyman/woman is the people's representative at the Assembly and through him/her people's views are channeled to the Assembly. People also use these channels to demand accountability from the Assembly on the resources made available to it for the development of the district.[26]

Box No. 3: Participation and Democratization Programs in Ghana: the role of UNDP

As part of the consolidation of good governance in Ghana, UNDP has developed a project with the National Commission for Civic Education (NCCE). The project aims at strengthening the capacity of the Commission to meet certain expectations, including the deepening of civil society participation in all levels of governance, through the education of the populace on their civic rights and responsibilities. This capacity building project will consist of the training of staff, as well as provision of logistical support. This project also focuses on improving civic education through awareness creation and organization of public forums on pertinent issues of national concern, all in collaboration with relevant institutions. Therefore, this project is geared towards enhancing popular participation, particularly of the more vulnerable groups within the society, such as women and disadvantaged groups, as well as strengthening partnership between state and non-state actors (civil society) for national development.

Between 1997 and 2001, UNDP provided institutional and resource support to the Parliament to enable it to deliver on its mandate of scrutinizing executive action and acting as interface between the public and the executive. Since 2001, the Parliament has, with UNDP support, embarked on a Transformation Plan to strengthen its ICT backbone as well as its management and administrative capacity building in that regard. Consolidating its substantive achievements further, Parliament seeks to deepen the quality of feedback it receives from the public in parliamentary processes and to enhance its capacity, as well as those of its committees and staff, to responding more effectively to the needs of Ghanaians. It has consequently developed an Enhanced Strategic Plan (ESP) to guide its resource mobilization and capacity-building effort to become a much more effective institution.

Source: *Compiled by the Author from: UNDP, Ghana, website at: www.undp.org/ghana*

---

25   National Commission for Civic Education, District Assemblies, 2009.
26   Ibid.

3.1.3 Best practices

69.   With the aim of increasing public participation in decision-making, including governance, since 1988 Ghana is implementing a comprehensive program of decentralization to transfer power, authority and responsibility from the central government to sub-national levels of government. This program was further enhanced by its incorporation in the 1992 Constitution. The adoption of the decentralization program has led to the introduction of the District Assembly concept as a means of participatory democracy and a form of Local Government.

70.   With the implementation of the decentralization program the government has expanded the space for local citizens to participate in decision-making about development and governance in their communities. The program has also led to the expansion of the local government structure, with the creation of 170 Metropolitan, Municipal and District Assemblies. Several reform policies within the decentralization program have also led to greater representation of marginalized groups, including women youth and people with disability, at the local level through the instrument of 30 per cent appointment power of the President.

71.   While a large majority of Ghanaians believe that the 1992 Constitution is a sound document that has steered Ghana through its longest period of liberal democracy and economic progress, they also believe that it could be further improved to deepen the democratic governance culture in the country. It is against this background that a Constitutional Review Commission has been established to solicit views from the public on the revision of the 1992 Constitution. This review of the constitution represents a good housekeeping for the nation and an attempt by the people of Ghana to fashion out home-grown solutions to governance problems. The commission has so far received several submissions and it continues to call on the citizenry to use the opportunity to articulate their views in constructing a better constitution for the country.[27]

72.   Contrary to many other parliaments in Africa, in Ghana it is believed that one of the greatest sources of parliamentary strength is the human resource base. The composition of the Ghana Parliament reveals a relatively youthful and well-educated set of law-makers, capable of coping with the high demands of contemporary legislative work. Approximately half of all members are less than fifty years old; the youngest is 26 and the oldest 76. In terms of education, 75 per cent of all members hold second degrees from various universities and nearly 40 per cent are teachers and lawyers. However, women's representation – only 25 out of 230 MPs, or 10.6 per cent – is far from satisfactory. At the committee level women are also under-represented in social and development committees, at 14.3 per cent and 16.9 per cent respectively; whereas in financial and economic committees they are 9.2 per cent, and in security, internal and foreign affairs committees only 5.8 per cent.[28]

---

27   GhanaWeb, Constitutional Review Commission Goes to Bawku, 29 June 2010.
28   Parliament of Ghana, Know Your MPs, 2009-2013.

Box No. 4: The National Commission for Civic Education in Ghana

The 1992 fourth republican constitution of Ghana came into effect in January 1993. With this constitution the people of Ghana returned to the path of democracy and constitutionalism with the resolve to build a prosperous nation.

To ensure that the constitution generates a democratic political culture among the people of Ghana, act 452, pursuant to the article 233 of the constitution, established the National Commission for Civic Education (NCCE). As the name suggests, NCCE is responsible for the education of the Ghanaian citizens about values and human rights for a better future and harmonious society. Thus, according to Bimi (2005) democracy, respect for human rights, creating awareness of the citizens' civic rights and responsibilities, the promotion of general economic and social development and progress can only be meaningful to the citizens if they are well informed about all these issues.[1] Furthermore, the commission believes that democratic ethics and culture would be greatly enhanced in Ghana if "civics for democracy" is introduced into the formal educational system.

The NCCE consists of seven members, appointed by the president acting on the advice of the council of state. In addition to the chairperson and the deputy chairperson (in charge of programs), the commission comprise the following departments: education department, research department, finance and administration department, and literature and material development department. The commission has representation in all the 110 districts of the country. the basic aims of the NCCE are: [2]

- to create and sustain within the society the awareness of the principles and objectives of the constitution as the fundamental law of the people of Ghana;
- to educate and encourage the public to defend the constitution at all times, against all forms of abuse and violation;
- to formulate for the consideration of government, from time to time, programs at the national, regional and district levels aimed at realizing the objectives of this constitution;
- to formulate, implement and oversee programs intended to inculcate in the citizens of Ghana awareness of their civic responsibilities and an appreciation of their rights an obligations as free people; and
- such other functions as the parliament may prescribe.

Like the national media commission, the NCCE is absolutely independent from any control or direction. To guarantee this independence, the three most important members of the NCCE enjoy far-reaching privileges. For instance, they enjoy the same terms and conditions of service as a justice of the court of appeal or of the high court. The NCCE collaborates with all political parties represented in the Parliament of Ghana.

Since its creation the NCCE is undertaking civic education activities at all times, but more particularly during the election periods. activities include, the institutionalization of the constitutional week (28 April – 4 May) every year, the production of pamphlets and calendars at different occasions with powerful civic and democratic messages, the production and translation into main local languages of specific and abridged versions of the constitution, organize discussions with traditional leaders, chiefs, opinion leaders, perform school and community theatres to enhance civic virtues and patriotism, promotion of "political tolerance" through community drama, conduct opinion poll on issues of concern to the voters, just to name a few.

The NCCE is mandated to annually submit to parliament a report indicating the activities and operations of the commission in respect of the preceding year.[3]

1 Laary Bimi, Preface in District Assemblies, NCCE, 2005.
2 See Article 233 of the Constitution of Ghana, 1992.
3 See Section 20 of the Act 452.

Source: *NCCE, Accra, Ghana.*

73.   The current system of local government in Ghana provides for a non-partisan system with partially elected and appointed assembly. The philosophy informing this design is on the one hand, to insulate local government administration from excessive partisanship so that it can be more focused on developmental issues at the grassroots level (CDD-Ghana 2010). On the other hand, the appointment of 30 per cent of the local assembly members as provided for by the Constitution is to fill in some technical gaps that local electorate may not be able to consider during the elections of local assembly (CDD-Ghana 2010).

74.   In order to consolidate Ghana's democratic development, the Parliament has instituted the preparation and production of a Strategic Plan every ten years. The Strategic Plan is designed to respond to the main challenges of governance, including the development of a strong and responsive Parliamentary service to guide the delivery of the services needed by the Parliament to perform its Constitutional functions. The Strategic Plan is also designed to accelerate the development objectives outlined in the Poverty Reduction Strategy (PRS), which is the country's overall strategic direction for economic and social development. The current Strategic Plan identifies some strategic goals that would:

>   Improve the performance and management of Parliament's legislative functions;
>   Enhance Parliament's representational functions by making it more relevant to the needs of the public;
>   Improve and strengthen Parliament's oversight of the Executive and other branches of the government;
>   Strengthen systems for the delivery of services by Parliament and Parliamentary service, develop human resources; and
>   Improve the physical, logistical, and information technology assets of Parliament to sustain and transform service delivery.

75.   The preparation of the Strategic Plan involves all Members of Parliament from all the Political parties represented in parliament, the leadership and staff of the parliamentary service.

76.   In order to enhance the representational aspect of the MPs and to facilitate people's access and contact to their MPs, the Parliament of Ghana is publishing the "Know Your MPs" booklet. The booklet is a compilation of the bio-data of Ghana's MPs, who represent the people in the today's Legislature. The most recent one is for the current 2009-2013 Legislature. The booklet serves as a veritable source of information for the media, civil society and the public at large, on the representatives of the people.

3.1.4 Main challenges

77.   One of the most commonly known Ghana's governance challenges is the relatively unchecked power of the executive branch. Thus, the current 1992 constitution was drafted by the then military regime and which is a progressive document in a number of respects, gives an unprecedented amount of authority to the executive. Ghana's 1992 constitution bars members of Parliament from introducing any legislation that will commit the government to spending public funds, thereby preventing the legislature from initiating bills.[29] In addition, the constitutional requirement allowing the President to appoint a minimum of 50 percent of his ministers from Parliament severely handicaps parliamentary oversight responsibilities. The current parliament has 230 members, and the president can appoint (among those) an unlimited number of ministers. Since 1993, this number has ranged from the mid-70s to the upper 80s. Each Parliament has therefore typically had at least 40 members who served concurrently in the legislature and the executive. These officials appear to have divided loyalty between the executive and the legislature, which obviously affects negatively the Parliament and hence their ability to satisfy the demands of their constituencies.

78.   The 1992 Constitution of Ghana provides a good basis for democracy and good governance in the country. There are however, some aspects that the current constitutional review exercise need to sharpen for the country to obtain full democratic system of governance. Chief among these are the hybrid political system, with a directly elected president who appoints a cabinet of which a majority of members must be MPs. Article 78 (1) states that Ministers of State shall be appointed by the President with the prior approval of Parliament from among the members of parliament or persons qualified to be elected as members of Parliament, except that the majority of Ministers of State shall be appointed from among members of Parliament. This situation, undermines any effort to further strengthen the Parliament in its oversight of the executive and the ability to initiate action on its own account. As Boadi (2010) rightly observed, this provision and the way it has been understood and applied severely limits the independence of parliament. It makes it extremely unlikely that the MPs who serve concurrently as ministers would criticize or question a policy or program of the executive on the floor of the House. Under these circumstances, it should not come as a surprise that parliamentary oversight of the executive is largely perfunctory.[30] Similarly, Article 108 of the Constitution is seen to compromise the independence of the parliament. This Article bars Parliament from initiating and proposing, on its own initiative, any Bill that imposes a financial encumbrance on the State. This implies that only the Executive can propose and introduce a bill that could imply financial changes on the National Treasury. The spirit of this Article makes the MPs unable to fully influence the process of decision making in light of the views and opinions of their constituencies.

---

29   Whilst in the case of South Africa, only the Minister of Finance can introduce money bill, the bill can be amended by the NA and the Constitution requires that a procedure be prescribed by an Act of Parliament. Proposed legislation in this regard is presently being prepared by the NA Portfolio Committee on Public Finance.

30   E. Gyimah-Boadi (2010): Toward a Constitution for a Democratic and Well-governed Ghana, CDD-Ghana, January 2009, pp.15.

79.   In addition, the high turnover of MPs in the parliament (i.e. only eight MPs of the 200 elected in 1992 remain in the house for the current 2009-2013 parliament) may create some problems. This situation, coupled with the fact that most MPs are young (47 per cent are below 50 years of age) and academically well qualified, with 75 per cent of the MPs holding University degrees,[31] there is a need for more legislative experience and greater stability in the Parliament. Parliament also faces serious constraints in terms of inadequate work space and office accommodation for MPs. This situation constrains MPs and their support staff, especially parliamentary assistants and researchers for MPs, in the performance of their duties.

80.   Most Ghanaian recognize and appreciate the efforts being made by the NCCE in providing knowledge and information to the citizen in order to accelerate the growth and sustenance of democracy and constitutionalism. However, poor public education and poor Parliament-civic engagement continue to be a matter of concern among the population as the Commission still lacks adequate resources: human, financial, material and logistics to enhance and expand its service delivery.

81.   One of the direct consequences of the low funding of the NCCE is that popular participation in decision-making, including governance, remains low particularly with respect to districts assemblies' elections, which continue to record low turnout figures. In addition, most of the sub-structures of the local government system necessary for the effective administration of the local government either do not yet exist or are poorly funded, hence unresponsive to the development challenges of the local communities.

82.   Another big challenge with respect to weak parliamentary representational functions is related to the Presidential discretionary authority used to make politicized appointments throughout Ghana's public services, thereby evading public and parliamentary scrutiny and undermining security of tenure. The executive's role in the nonpartisan local government system is particularly symptomatic of this problem. For example, the president appoints 30 percent of the local government assemblies as well as the local government leaders, known as district chief executives. While these appointments are supposed to be based on technical competence, it is clear that partisan considerations play a central role.

3.2   South Africa

3.2.1 *Overview*

83.   From 1910 to 1960 South Africa was known as the Union of South Africa. During that period, the Parliament was bicameral and consisted of the King, the Senate, and the House of Assembly

---

31   Responses from the survey conducted by the Author, Parliament of Ghana.

(known in Afrikaans as the *Volksraad*) and the composition of Parliament was changing by constitutional amendments from time to time (in May 1949). The Senate consisted of senators nominated from the then four provinces, by the Governor-General, initially for a period of ten years. The number of senators changed from time to time. The Senate was chaired by a President of the Senate chosen by the senators from among themselves. The House of Assembly consisted of members (initially called "Members of the Legislative Assembly," but later "Members of Parliament") who were directly elected by the citizens. Each MP represented an electoral district (constituency), and most of them were elected on the basis of their political party (Status of the Union Act 1934).[32] The number of constituencies and parliamentary seats increased from time to time, in line with increases in the population. The House was chaired by a Speaker chosen by the MPs from among themselves. Only white men could be senators or MPs and the right to vote (franchise) was originally granted to white men in all four provinces, to black men in the Cape Province and Natal, and to Colored men in the Cape Province. From 1930, white women were given the right to vote and the right to serve as Senators and MPs on the same basis as white men.[33]

84.   In a referendum held in 1961, a small majority of the white voters approved the change of the name of the country from the Union of South Africa to the Republic of South Africa. With this new denomination, two main changes were made to the composition of the Parliament, namely: a) the substitution of the State President for the Queen and b) the Senate was abolished (in 1981), making the Parliament a unicameral legislature (Kahn 1961). In 1981, the Senate was replaced with the President's Council, which was an advisory body, consisting of 60 nominated members from the White, Colored, Indian and Chinese population groups. Following a request by Prime Minister P.W. Botha, the President's Council put forward a set of proposals in 1982 for constitutional and political reforms. The proposal mooted the notion of "power sharing" between the White, Colored and Indian communities, and excluded the majority Black people. The proposal was not well received by some members within the ruling National Party, and a group of its MPs, led by Dr. Andreis Treumicht, broke away to form the Conservative Party in order to fight for a return to apartheid in its original form. PM Botha, however, was in favor of implementing the President's Council proposal and in 1983 a new constitutional framework was ushered in, which created a parliament with three separately elected Chambers: a White "House of Assembly" a Colored "House of Representatives," an Indian "House of Delegates." The Parliament was then referred to as the Tri-cameral Parliament, and operated from 1984 to 1994.

85.   Since 1994, the Parliament of South Africa is South Africa's legislature and is currently composed of the National Assembly and the National Council of Provinces (NCOP). As a result of the country's multiple reforms the National Assembly has undergone many transformations. From 1910

---

32   Compiled by the Author from Nelson Mandela Foundation at: www.nelsonmandela.org/omalley/index.php/site/.../06lv01880.htm
33   Ibid.

to 1994, it was elected mainly by South Africa's white minority, until the first democratic elections were held in 1994.

86.   After four years of negotiations a new Constitution was approved in 1994, which finally introduced an all-race democracy and enfranchised men and women of all races on equal terms. Parliament was reconstituted to consist of a Senate and a National Assembly. The Senate consisted of 90 senators; ten nominated by each of the nine provinces and was chaired by a President of the Senate elected by the senators from among themselves. In 1997, the Senate was replaced by a 90-member National Council of Provinces, made up of a 10-member delegation from each province. The NCOP Chairperson is elected by its members from among themselves. The National Assembly consists of 400 members, elected by citizens on a proportional representation/party list system. This means that each party is allocated a number of seats proportionate to the percentage of the votes it receives across the country. The National Assembly is chaired by a Speaker elected by the MPs from among themselves.

3.2.2 *People participation in South African Parliament*

87.   Since the advent of a democratic government in South Africa in 1994 it has become possible for all citizens to get involved in what is happening in government. According to the Constitution, all structures of government in South Africa, including the Parliament, are to encourage and facilitate public participation in decision-making processes. Appropriate mechanisms exist for civil society structures and individual members of the public to participate in the decision-making processes of government structures, including the parliament, although these differ according to the relevant arm or sphere of government.

88.   Within the spirit of the Constitution, the legislative function addresses mechanisms to facilitate participation in processes of the National Assembly, National Council of Provinces, and Provincial Legislatures. According to the Constitution, each of these structures must facilitate public involvement in their legislative and other processes. They are compelled to conduct their business in an open manner and hold their sittings and those of their committees in public. There are however, some provisions as to how this can be regulated where this is reasonable and justifiable in an open and democratic society. Generally, the committee process provides the greatest opportunity for public input. These include:

> »   Allocating MPs to constituency areas and building constituency periods into the parliamentary schedule.
> »   Convening public hearings on legislation being debated by Parliamentary committees and calling for oral and written submissions.
> »   - Providing for members of the public to raise issues with or make submissions to committees on any other issue falling within the jurisdiction of those committees.

> » Site visits by committees.
> » Public outreach and education initiatives, including radio programs, road shows, pub-
> lications and workshops.

89. According to Section 59 of the 1996 Constitution:

(1) The National Assembly must: a) facilitate public involvement in the legislative and other processes of the Assembly and its committees; and b) conduct its business in an open manner, and hold its sittings, and those of its committees, in public, but reasonable measures may be taken to: i) regulate public access, including access of the media, to the Assembly and its committees; and ii) provide for the searching of any person and, where appropriate, the refusal of entry to, or the removal of, any person.

(2) The National Assembly may not exclude the public, including the media, from a sitting of a committee unless it is reasonable and justifiable to do so in an open and democratic society.

90. In addition, there are also mechanisms to facilitate participation in processes of the National Council of Provinces (NCOP) and provincial legislatures. The Constitution stipulates direct and indi-rect ways of citizens getting involved in decision-making and it encourages each citizen to make full use of all the opportunities available to them according to the law to influence the decisions that their political representatives make at national, provincial and local levels. The direct ways are:

(a) Voting in elections;
(b) Attending meetings;
(c) Submissions, representations and petitions; and
(d) Contacting MPs.

91. The indirect ways of influencing the Parliament are:

(a) People keeping themselves informed (news papers, radios, televisions);
(b) Joining a political party; and
(c) Lobbying outside Parliament (Pressure/interest groups).

92. For the adoption of bills, under the current framework, the following rules exist to facilitate people participation:[34]

---

34 Shameela Seedat, Legislation Monitor at the Political and Information Services South Africa (PIMS-SA) at IDASA, 10 No-vember 2004.

> » Prior notice of the introduction of a bill and an explanatory memorandum is given in the government gazette, and comments called for within a specified deadline;
>
> » After the first reading debate in the National Assembly, where the bill is introduced and given a number, it is placed on the order paper and referred to the relevant committee, consisting of members from the different parties represented in parliament and charged with the task of deliberating the bill;
>
> » Bills are then advertised by the Parliament for public hearings before committees in daily and weekly newspapers;
>
> » The 30 portfolio committees and 13 selected committees are also required to arrange their affairs in a manner which affords people an opportunity to express their views on legislation. However, public participation may be abandoned where legislation is urgently needed on an issue, or where delays would seriously affect the interests of the State or the public.

3.2.3 Best practices

93.   In South Africa, Parliament consists of two Houses: The National Assembly and the National Council of Provinces, as already indicated. Section 42(3) of the Constitution provides that the NA is elected to represent the people and to ensure government by the people under the Constitution. The Parliament does this by choosing the President (among its members), by providing a national forum for public consideration of national issues, by passing legislation and by scrutinizing and overseeing executive actions. The NA is further required in terms of section 55(2) of the Constitution to provide mechanisms to ensure that all executive organ of state in the national sphere of government are accountable to it, and to maintain oversight of the exercise of national executive authority, including the implementation of legislation and any organ of state.

94.   On the other side, the National Council of Provinces represents the provinces to ensure that the provincial interests are taken into account in the national sphere of government as stated in section 42(4) of the Constitution. The NCOP does this mainly by participating in the national legislative process and by providing a national forum for public consideration of issues affecting the provinces. The Council's overall role is to exercise oversight over the national aspects of provincial and local government.

Box No. 5:   Taking Parliament to the People

In 2002, the National Council of Provinces (NCOP), to ensure that provincial interests are taken into account in the national sphere of government in South Africa, launched the "Taking Parliament to the People Program." The program was initiated in order to promote better understanding about Parliament and to enhance public participation in parliamentary and governance matters. The overall intention is to bring this House (NCOP) of Parliament closer to rural communities so that people could influence its work and for its Members to better understand the challenges facing the provinces."

The program provides a national forum for public consideration of issues affecting the provinces and promotes public participation and education as well as building an effective people's Parliament that is responsive to the needs of the people, and that is driven by the ideal of realizing a better quality of life for all the people of South Africa. The Program entails visits by the NCOP to a province to conduct public hearings, undertake site visits and hold meetings with specialized groups, in partnership with the host province and the municipality. The Program has been remarkably successful, especially in reaching in the most remote rural areas and it has also seen active participation by women, youth and people with disabilities.

The program provides a public participation platform that enables interaction between ordinary people and their representatives. During the program, people raise concerns on a wide range of issues that include service delivery challenges. The NCOP listens to people's concerns and asks the relevant government departments to respond to such concerns. The Members of the NCOP also embark on site visits as part of their oversight responsibility. Site visited includes, healthcare centers, agricultural projects, institutions of education and correctional services centers. Since the Taking Parliament to the People program also provides ordinary people with an opportunity to observe an official sitting of Parliament, the last day of the program is devoted to an official sitting of the NCOP in full view of the ordinary people.

The Taking Parliament to the People Program was identified in the African Peer Review Mechanism Country Report of South Africa, as one of the best practices in the promotion of democracy and political governance.

Source: Compiled by the Author from: South African Government Website: Taking Parliament to the People, Lady Frere, Eastern Cape, 3 to 7 November 2008.

95.   In addition, the right of access to public participation is based on the statement of a number of other basic rights in the 1996 Constitution. These include the right of access to information; the rights to freedom of expression, association and assembly; and the right to petition. The Constitution, as the Supreme Law of the nation, places these rights at a very higher level of people's rights. In this regard, the will on the part of the government and parliamentarians to provide access to information, to facilitate public participation and to properly take into account the views of the public is crucial in order for these constitutional rights to have their intended effects. Thus, the benefits of parliament maintaining a good practice in involving NGOs and interested parties, and taking their views into account in a serious manner cannot be overemphasized. It leads to: better laws, efficient programs, wider ownership of the process, and greater public compliance and/or implementation (Shameela ibid).

96.   Under the 1996 constitution, national authority is shared by the executive and legislature and checked by an independent judiciary. Executive and legislative powers also exist at the provincial and municipal levels. The constitution provides for universal adult suffrage, a national common vot-

ers roll, regular elections contested by multiple parties and determined by a system of proportional representation, and the establishment of an Independent Electoral Commission (IEC) and Electoral Court. In addition, a constitutionally incorporated Bill of Rights guarantees citizens the rights to form and campaign for a political party, stand for public office, and participate in free, fair, and regular elections.

97.   The Constitution mandates a robust system of checks and balances between the executive, legislative, and judicial branches of government. Executive power is held by the president, who is elected by the National Assembly (NA). The bicameral Parliament, which consists of the NA and the 90-seat National Council of Provinces (NCOP) has significant oversight and approval powers vis-à-vis the executive, and legislators can question members of the executive in session. Every executive or legislative act is subject to review by the judiciary, which is headed by the Constitutional Court and the Supreme Court of Appeals.

98.   The Parliament's strategic vision is to "build an effective people's Parliament that is responsive to the needs of the people, and that is driven by the ideal of realizing a better quality of life for all the people of South Africa and its mission is to represent and act as a voice of the people in fulfilling Parliament's constitutional functions of passing laws and overseeing executive action."[35] To achieve this vision, significant progress has been made in addressing the shortcoming aspects related to participatory development. The South African Parliament is increasing public involvement in decision-making in different ways through its Public Education Office. In addition, the National Assembly, to ensure that a wider range of people are alerted to proposed bills, is looking at systems whereby information on the bills and the policies informing the bill could be easily available to the public so that they can meaningfully participate in discussions. As part of a program to build an effective people's parliament, the Parliament embarked on a process of establishing Parliamentary Democracy Offices (PDOs) in all nine provinces. Thus far, the PDOs have been established in three provinces. PDOs is a mechanism that will assist in promoting and entrenching democracy in South Africa. PDOs will also provide and opportunity to promote a better understanding of the role of parliament and raise awareness in the public domain.

99.   Political parties have constituency offices from which the public can obtain information new Bills or discuss issues of concern with their MPs. Each party represented in Parliament is allocated funds to develop its own method of constituent outreach. Each MP is assigned by their political party to perform constituency work. Notwithstanding this, MPs are not precluded from performing work in other constituencies. This constituent work should ideally afford MPs the greatest opportunity to conduct individual oversight. It constitutes the closest level of interaction between MPs and the pub-

---

35   Constitution of South Africa, 1996: Constitutional precepts guiding the vision and mission of Parliament.

lic and provides the best platform from which MPs familiarize themselves with the issues confronting their constituencies.

3.2.4 Main challenges

100.   In addressing the issues of people's participation in development through parliament, South Africa is facing some challenges. One of the overarching challenges is the ruling ANC's overwhelming control of the executive and legislative branches at both the national and provincial levels. This situation undermines the efficacy of South Africa's institutional checks and accountability mechanisms. Parliamentary committees tasked with overseeing ministries are often led by ANC MPs who are often accused of approving ministerial reports and budgets without sufficient debate and public information. In the law-making process, for example, there is a growing concern as to whether a law can be declared invalid when the public had not sufficiently participated in its drafting. This is also related to the level and impact of participation. For instance, one of the frequent concerns people have is to know: when an organization or individual goes to make a submission before a committee, what is the probability of that submission making an impact in the process?

101.   A second major challenge related to this is the fact that there is no requirement, as with some other countries that bills are sent to organizations or groupings falling in the main area of interest touched by the bill (Imraan 2009). Perhaps this can be considered where it is reasonably practical and the proposed law is significant. In this respect, civil society organizations and interest groups are requesting that the ministries or the portfolio committees should consider establishing a list of NGOs and/or interested groups in a particular area of interest, and notify them about legislative plans. The relevant information or bill could also be sent to those who wish to be informed. In such a system, an NGO/interested group can request that they be put on a list in a particular area of interest.

102.   Third, there is much debate about the weakness of the South African proportional representation system, with MPs being more accountable to parties than to communities. This is a serious challenge that needs to be addressed to enable the public to channel their input and raise their concerns through their designated constituency MP, and the MPs need to more actively scrutinize executive reports and ensure that parliamentary queries are fully answered by the executive.

103.   Fourth, as observed by Hicks (2008), there is a grave concern about the fact that there is no clear systematic process in place whereby submissions and comments on bills are adequately reviewed or validated; or reasonable recommendations can be extracted and brought before the committee for its consideration and inclusion (or rejection).

104.   Fifth, the quality of representation or involvement and the issue of accessibility (i.e. whose voice is heard in the legislative process? how accessible is this process to marginalized groups?). As already indicated, very often, it is only the business sector and the organized civil society that have

access to information and resources required to not only know that relevant legislation is on the cards, but also the ability to understand the complex and technical legislative process and language, for them to formulate a submission and deliver it – all within a limited period of time, often only three weeks or less, particularly in the case of NCOP proceedings. Exacerbating this problem, inadequate information is made available to the public on the legislature's agenda and program, which is poorly advertised. Public hearings are held in the major city centers, and are often also poorly advertised and attended.

105. Another barrier to participation is language differences and location in rural areas. Notice of the introduction of bills through publication in the government gazette, certain newspapers and internet access (small and sometimes lop-sided) for instance, might not have sufficient reach depending on the purpose and effect of the legislation. In addition, while the government's website does include a list of bills, the internet is inaccessible to most South Africans, particularly in the rural areas. In this context, the importance of civic participation in law-making is paramount (Imraan 2009). One may be skeptical of the value of publication of legislative action in newspapers when those affected are without channels for voicing their concerns. However, the inclusion of NGOs or other forms of group representation will obviate such skepticism. Some major problems experienced by NGOs has been that information about changes to bills during the drafting process comes to the public only at the last minute, or there is not enough information provided in time for participation. Thus the timely sharing of information here is a crucial issue.

3.3   Uganda

3.3.1 Overview
106.   After gaining independence in 1962, Uganda has gone full political circle that started from a parliamentary democracy (with a system of political parties and fully representative government) to years of dictatorship and military rules (with a no-party political system) and back to a parliamentary democracy as it is today. All these phases were largely the result of bad governance and the lack of commitment to democratic practices and constitutional rule by the leaders (USAID 2005). After the electoral victory of the National Resistance Army (NRA) in 1986, Uganda has been governed in a "no-party democracy" system of government, the so called "Movement system." Under this system every Ugandan became at birth a member of the National Resistance Movement (NRM).[36] Part of the justification for this system has been to promote national unity and reconstruction after years of civil conflict, as political parties had tended to fragment along ethnic lines. However, under the movement system, Uganda was often held up as a prime example of how a reforming government combined

---

36   Nelson Kasfir (1998): "No-Party Democracy in Uganda". Journal of Democracy 9 (2): 49-63 available at: http://www. journals/journal_of_democracy/v009/9.2kasfir.html.

with international support can help developing countries. In essence, the Movement system brought relative political stability and economic growth to the country (USAID 2005).

107. Like many other countries in Africa since the early 1990s, Uganda has experienced political liberalization of a nature unprecedented in its post-independence era. In the mid-1980s, insurgency and dictatorial rule gave way to new forms of democracy and governance. The 1986 NRM take-over resulted in changes in Uganda's associational life, which saw the emergence and expansion of vital civil society actors, including women's organizations. Non-state actors and organizations were given greater room for maneuver. New forms of civil society and state interactions emerged with civil society making demands on the state, including challenging existing institutions and norms for democratic governance, creating new political spaces and making the public sphere more inclusive.[37]

108. A new Constitution was adopted in October 1995 by the interim 284-member Constituent Assembly. The main mandate of this Assembly was to review and debate on the draft constitution that was proposed in May 1993. Uganda's legal system since 1995 has been based on English common law and African customary law (customary law is in effect only when it does not conflict with statutory law).

109. Uganda is now a presidential republic, in which the President of Uganda is both head of state and head of government and there is a multi-party system. Executive power is exercised by the government. Legislative power is vested in both the government and the National Assembly. The system is based on a democratic parliamentary system with universal suffrage for all citizens over 18 years of age. In a measure ostensibly designed to reduce sectarian violence, political parties were restricted in their activities from 1986. The non-party "Movement" system was instituted, while political parties continued to exist, they were however unable to campaign in elections or field candidates directly (individual electoral candidates could belong to political parties). In July 2005, a constitutional referendum cancelled this 19-year ban on multi-party politics and the first presidential elections under the 2005 Constitution were held in February 2006.

3.3.2 Participatory development in Uganda

110. The 1995 Constitution allows for a number of mechanisms that enable citizen participation in local governance and political activities. To this end, there are some established dialogue structures, the Sector Working Groups (SWGs), through which citizens participate, discuss and agree on economic policies and implementation modalities for the sector under a Medium Term Expenditure Framework. Article 38 of the Constitution, for example, gives the citizens the right to participate in their governance and the right to choose their leaders. It also recognizes the affirmative action aimed at bringing the hitherto marginalized groups such as women, workers, the youth, the army and people

---

37   CBR, Civil Society-State Relations: ACFODE'S Claims for Gender Equity, Working Paper No.: 67/2007.

with disabilities into the development arena, through representation in the parliament and at almost all governance levels. Constitutional provisions allow also for a free press and recognition of civil society organizations.

111. The 1995 Constitution provides for decentralization as a system of local government.[38] Through an Act of Parliament, the country developed and adopted a decentralization policy known as the Local Government Act of 1997. The Act aims at enhancing delivery of services to local communities where the majority of the poor live. The Local Government Act 1997 states that one of the objectives of decentralization is to empower people through participatory development, promote capacity building at local level, to encourage local ownership and "to ensure democratic participation in and control of decision making by the people concerned."[39] It also advocates for a building-block approach to development planning emanating from the village to the district through parish and sub county levels. According to the Local Government Act 1997, the Local Governments are legally vested with fiscal and legislative functions. Within the new political dispensation, local leaders are elected by the people through periodic elections and according to the Act. By this process, the hitherto highly centralized state is gradually turning into a decentralized one following the transfer of powers, functions and services from central government to local councils.

Box No. 6: Participatory development: The case of Poverty Assessment in Uganda

Most poverty analysis are done on the basis of a number of numeric indicators including levels of income, consumption, health and education levels, usually obtained from household surveys. In recent years there has been a growing dissatisfaction with those exclusively quantitative poverty measurement and analytical tools. These critics have been complemented with believes that the poor should be more actively involved in the diagnosis of their own situation. The situation has led to the creation of the Participatory Poverty Assessment (PPA) process, eliciting quantitative and qualitative data from the poor on broader indicators, including vulnerability, physical and social isolation, self-respect, security and powerlessness.

Between 1998 and 1999, the government of Uganda implemented the first Uganda Participatory Poverty Assessment Project (UPPAP) for which the poor in several rural and two urban districts were directly consulted. The primary objective of UPPAP was to understand the nature and causes of poverty and to integrate poor people's perspectives into the policy-making process at the national and district-planning levels. The ideas emanating from the people made it possible for the UPPAP to influence budget allocations decisions to consider issues such as the provision of clean water as a priority in the areas consulted. Similarly, security issues were given increased attention since these also emerged as central to many people's experience of poverty. The UPPAP findings also revealed major differences in the poverty profiles among districts, resulting in policy-makers recognizing the need for flexible allocation of Central Government grants to the districts to further devolve the provision of services to the districts and urban authorities. Through a broad-based partnership between the government, bilateral donors, and civil society organizations, UPPAP had also a key influence on the Uganda's Poverty Eradication Action Plan.

Source: Caroline Robb, Can the Poor Influence Policy? 2nd Edition (2000).

---

38   Constitution of the Republic of Uganda Preamble: Political Objectives, Section II: Democratic Principles.
39   Local Government Act, 1997. Part IV, Article 31: Functions, Powers and Services of Council.

3.3.3 Best practices

112. The current Ugandan Constitution is a result of a long and participatory process. A 21-member commission was set up in 1989 to collate proposals from Ugandans both within and outside the country. Working for four years, the Commission employed every available opportunity to collect views from Ugandans: interviews, public meetings, debates, essay competitions, seminars and workshops as well as solicited written memoranda as a basis for drafting the constitution (Ihonvbere 1994). In addition, interest groups, community and professional associations and academic institutions were all involved in the debates on the draft constitution. This involvement of the people was critical to the constitution-making process (Oloka-Onyango 2000).

113. Women's groups and organizations representing people with disabilities were particularly important in ensuring that the constitution was written in gender-neutral language and ensuring recognition for women's and minority rights and representation at all levels of government (Oloka-Onyango, ibid). Although some skepticism of the government intentions remained, the Constitution is widely seen to have been drafted in a democratic and participatory way.

114. The Commission consulted many people through a nationwide series of seminars and meetings (Ihonvbere ibid). It collated these submissions into a draft constitution, which was then debated and enacted by a Constituent Assembly, which included some representation for women and the disabled. The preamble to Uganda's Constitution begins by recognizing sovereignty in the people of Uganda, rather than the State. It claims that the Constitution is enacted with the people "having fully participated in the Constitution-making process." It furthermore states a commitment to "the principles of unity, peace, equality, democracy, freedom, social justice and progress." References to ensuring democracy and participation appear throughout the text.

115. One of the democratic principles that the 1995 Constitution upholds is the decentralization and devolution of governmental functions and powers to the people at appropriate levels where they can best manage and direct their own affairs. For an effective and efficient participatory development decentralization is key and Uganda seems to have developed one of the most advanced systems of decentralization in Africa. The decentralization program in Uganda associates the concept with increased people's participation, democracy and poverty reduction (CBR 2009). Thus, local levels of village assemblies are an additional space for participation to the representative system. From the contacts and discussions maintained with the parliament officials in Kampala, the country has the requisite legislation governing local government. It also has the necessary institutions at both central and local government levels for anchoring democratic local governance, hence citizens' participation in decision-making process, including governance. Section 78 of the Constitution, for example, stipulates the composition of parliament as follows:

> » Members elected directly to represent constituencies;

» One woman representative from every district;
» Such number of representative from the army, youth, workers, people with disabilities and other groups as Parliament may determine;

116. Two specific legislations protect the independence of the Parliament. These are: the Administration of Parliament Act of 1997 and the Budget Act of 2001. Consequently, the Ugandan Parliament is not part of the public service, as it has its own Parliamentary Service Commission and its own Parliamentary Budget Office.

117. In order to have direct access to their respective constituencies, MPs are given annually the so called "Constituency Development Fund" and Mileage Allowance. The first one allows MPs to set up a constituency office in their localities so that people can get access to the MPs. The second, allows MPs to carry out in person oversight visits in some development projects in theirs respective constituencies.

118. In addition, the Ugandan parliament has recently launched (March 2010) an outreach program aimed at improving the visibility and understanding of Parliament in educational institutions throughout the country. The outreach program is intended to enable the young and old people to understand the complex processes of Parliament so that they can use it more efficiently. At the launching of the program the Parliament reaffirmed the need for the citizens to know and appreciate the role of Parliament in supporting the success of the Parliamentary system. It also appealed to the youths to actively participate in community programs and activities that can equip them with leadership skills. In this respect, the Parliament Public Relations Office indicated that a parliament section where publications and Parliamentary debates are to be deposited will be opened up in the various school libraries. The program will also involve parliamentarian visits to educational institutions across the country.[40]

3.3.4 Main challenges

119. Uganda has perhaps the most advanced decentralization system in Africa, which is expected to promote and enhance people's participation in decision-making. However, policy and legal frameworks are not enough to get citizens to meaningfully participate in decision-making. In this respect, despite the Constitutional provisions for participatory development, the participation of the citizens especially the grassroots people in the rural areas in setting their priorities on how they want to be governed and in general influencing development policy decisions is still very limited. These limitations are related to:

» Lack of effective mobilization and civic education;
» Limited access to information;

---

40   See Uganda Parliament Launches School outreach, at www.ugpulse.com of 4 March 2010.

» The continued existence of some bad laws that curtail the right of people to freely enjoy their political and civil rights such as the freedom of association.

120. In addition, one of the other fundamental reasons for limited participation is the high illiteracy rate in the country. For instance about 40 percent of the adult population cannot read and write with the majority of these living in rural areas.

121. Members of Parliament are provided with Constituency and Mileage allowance. One of the challenges associated with this is the "uncontrolled" use of those funds. Thus, MPs are neither accountable to the executive nor to the people for the use of those funds. Worse still, some people are of the opinion that the old political order, which was using the ballot box merely to ensure that politicians got elected into power, is still very much at work. This is because "after elections communication between the electorate and their elected representative is completely broke down." There is therefore a need to devise a viable and functionally democratic system that would allow MPs to account for the Constituency and Mileage allowance. Empowering District Assemblies and other local governing institutions offers a better opportunity to the ordinary person to become involved in the usage of those funds.

122. After the decision to re-introduce the multi-party system in 2005, a mushrooming of parties started. One of the challenges associated to this is that despite constitutional directives on the formation of political parties, ethnicity and religion are still playing a major role for the formation of new parties. A clear evidence of this is that, the biggest opposition group in parliament is formed by the "Independent candidates" (with 40 seats in parliament) who are voted on their religious or ethnic association.

Chapter IV: Main Findings

123.   The three country case studies (Ghana, South Africa and Uganda) present some similarities in the sense that they emphasized the idea that people are the owners of government and as such, they have a vested interest in civic affairs and in actively being involved in the governing process at all levels. The analysis of the data from the three countries indicates that the reforms undertaken were to open up spaces for citizen participation as a result of a combination of forces both internal and external that begun from the early 1990s.
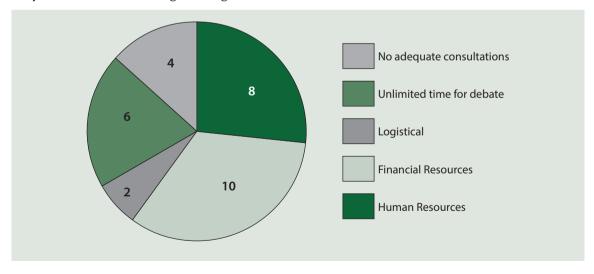
124.   Internal factors, in Ghana and Uganda, for example, were the declining economy and the oppressive political climate. As a result civil society became bold and made demands to be involved in the political processes. This was translated to be a call for the return to a multi-party system of governance. External factors included the pressures of donors to liberalize the politics. The effect of both internal and external factors was that the two countries had to revise their constitutions in order to re-introduce a multi-party system, with provisions to local government acts. In Uganda, for instance, the re-emergence of local government after years of centralized administration was a product of both internal and external forces. For years Uganda had faced an economic decline and internal civil wars. In all the cases, constitutions were re-crafted to introduce multi-party systems and enhance citizen participation (Amanda 2007).

125.   In South Africa, however, in addition to the global wave of democratization in the early 1990s that favored political systems featuring multi-party democracy, respect for human rights, market-oriented, and open economies, the reforms were as a result of normative and structural factors. These factors included the resolutions of the United Nations General Assembly and the then Organization of African Unity (OAU). Additionally, the national consensus by multi-racial social groups for a negotiated settlement within a power-sharing framework were the result of a compromise between the National Party and the African National Congress that white domination and apartheid were no longer tenable (Friedman and Atkinson 1994).

126.   Some of the challenges identified in the study are related to lack of capacity in terms of both human financial and material. Lack of communication facilities and infrastructure is one of the most pressing challenges with respect to the parliament interacting with people. This is particularly true as transport infrastructure is very poor to access rural areas in many African countries. Most MPs take long time to (and some times do not) travel and visit their constituencies and some of them have no vehicles at all. When they do have vehicles and go to visit their constituencies most MPs (particularly those from the opposition) are unable to deliver resources that even approach the volume of demand. Therefore, they disappoint their electorate and the turnover of MPs in each parliament is very high. As most MPs are new in the legislature and have developed no policy expertise, it is therefore not

surprising that most legislation comes from the executive and the majority of the parliamentary committees are dependent on the agencies they allegedly supervise (officials from the executive). The results of this is that some laws are poorly drafted and partially or no amended by the parliament. In most parliaments, political opposition is highly insignificant to play an important role in creating government accountability. Many national parliaments reflect little more than theoretical tolerance for opposition, perform cursory or no oversight functions over the executive and often do not have the means to do so, even if they had the will.

127. Some of the other most common challenges associated particularly with expanding parliamentary consultation with the citizens include: a) lack of adequate time frames and logistic; b) lack of physical accommodation space for the MPs, including meeting facilities to conduct parliamentary public hearings, particularly in remote rural areas; and c) poor payment is also mentioned as one of the major problems in most African parliaments. According to ECA (2005), African parliamentarians are amongst the most poorly remunerated throughout the world. This prevents the best and the brightest citizens from entering parliament or makes parliamentarians rely on alternative sources of income. This not only takes away time from parliamentary work, it also facilitates corruption and favoritism. Graph no. 1 below summarizes the major challenges. Despite all these challenges, there is however a common thread: the desire of African parliaments to make the institution relevant and accessible to the people and to make the Parliament an effective institution of democracy and governance of modern times.

Graph No. 1: Main Challenges facing African Parliaments

Source: *Survey conducted by the Author, May 2010.*

128.   The analysis of the three country case studies indicates that nearly all legal instruments, government structures and institutional mechanisms are designed to promote public participation in development.[41] In the three countries and based on the responses obtained from the questionnaires, there are clear indications that opportunities are created through constitutional and other legal instruments for the citizenry to engage with the decision-making process of executive structures, particularly with respect to policy formulation, the planning and drafting of legislation and their implementation. However, most of those countries are still not adequately equipped with the necessary tools to manage participation effectively as required by the legal frameworks.

129.   The three countries use parliamentary committee structures for them to examine specific matters of policy, government administration, and performance. In most cases, bills, resolutions, and matters on specific issues are referred to specific committees for debate and recommendations are made to the House for further debate, without necessarily involving the people at large, in some cases.

130.   Some of the challenges identified in the study are related to lack of capacity in terms of both human financial and material. Lack of communication facilities and infrastructure is one of the most pressing challenges with respect to the parliament interacting with people. This is particularly true as transport infrastructure is very poor to access rural areas in many African countries.

131.   Some other common challenges associated with expanding parliamentary consultation with the citizens include: a) lack of adequate time frames and logistic; and b) lack of physical accommodation space for the MPs, including meeting facilities to conduct parliamentary public hearings, particularly in remote rural areas.

132.   Despite all the above challenges, there is however a common thread: the desire of African parliaments to make the institution relevant and accessible to the people and to make the parliament an effective institution of democracy and governance of modern times.

---

41   Analysis of the questionnaires submitted to National Parliaments, parliamentarians and other institutions.

Chapter V: Conclusion and Recommendations

5.1   Conclusion

133.   Parliaments are crucial to the achievement of good governance in Africa. Their representational role includes ensuring that citizens and other stakeholders have a voice at the national level and are therefore involved in national governance issues. Democratically elected parliament is the only true voice of the people and accountability to the people it serves is the basic plank of a democratic system. As such, the quality of elections is crucial as parliaments can hardly fulfill their roles, specifically the role of representation, if elections are flawed. In truly democratic systems all members of parliament (MPs) are elected by the people through a direct and secret elections system. Each one of the MPs is elected by a predetermined minimum number of voters in each constituency. Representation is therefore mainly about "managing the trust" voters have confided to their representatives, the MPs. The MPs normally have clear ideas about what they are expected to deliver for their constituencies. In the first place this is about keeping the promises during election campaigns – a mission hard to be accomplished given the number of promises on the one hand and the limited opportunities the MPs enjoy on the other hand. It is also about staying in touch with their constituencies to know about their grievances and needs. More precisely, it is about creating jobs, providing security, health care, education, and sometimes infrastructure. MPs, therefore should stay in contact with their constituencies and communicate/explain the actions of the executive and the parliament to the public.

134.   Since the early 1990s, Africa has experienced political changes characterized by deep and widespread popular demand for political transformation. Evidence from available literature indicates that democratization in Africa is a steadily expanding reality. Recent years have seen a significant growth in the number of democracies on the African continent even if only few countries can rightfully claim to be "substantively democratic." Grassroots movements have emerged in nearly all countries to remove autocratic repressive governments and empower the people themselves to reclaim control over their political destinies. In the wake of these political transformations, both academics and policy-makers have emphasized the need to create strong parliaments and efficient civil society organizations as key to the promotion of democratic governance and to make the state more accountable and responsive.

135.   Most African parliaments have transformed tremendously over the last ten years or so. Parliaments are no more confined to enacting legislation only. Parliament is now the political nerve centre of the country, acting as a mirror of the society, accommodating the needs of changing times, shouldering responsibilities and engaging itself fully in the process of running parliamentary polity. Most African parliaments have now become multi-functional institutions as delineated by the constitution.

136.   The paper strived to present an analysis on the different ways the contribution of parliament in promoting democracy and good governance can be structured. The paper recognized that the true test for parliament to promote democracy and good governance is the extent to which parliament can ensure that government remains accountable to the people by maintaining regular contacts with the citizenry in its actions and decisions. Two critical aspects for ensuring the success of this endeavor are firstly, the need to integrate parliament's public participation function within its overall mechanism, structures and operations, and secondly, to provide the appropriate resources (human, financial and material) and capacity to both individual members of parliaments and parliamentary committees for it implementation.

137.   One of the frequent criticisms of parliamentarians and politicians in general with respect to participation is that they only engage the public during an election campaign, and once elected they lose interest in local concerns. Although this may not always reflect the reality of the way some elected representatives work, but it is a powerful perception among the citizens in most African countries. Involving the public in policy making meets therefore a fundamental public desire to be listened to and taken seriously at all times. The ideal scenario would be a close cooperation between parliaments and the respective societal actors vis-à-vis the governments, within an established framework which is: sustainable, structurally integrated, thematically embedded, politically relevant, broad-based and inclusive, decentralized, representative, conflict-aware, and safeguarded by the rule of law.

138.   Despite the efforts undertaken, a number of African countries still lack appropriate laws, policies and mechanisms towards enhancing citizens' participation in economic, social and political decision-making. Public participation in decision-making processes is a great opportunity for citizens that will deter them from resorting to violence as a means of political expression. When there is such opening it would first, enhance and promote the ability of civil society organizations to demand democracy, good governance and accountability in their countries. Second, strengthen reform-minded groups, including parliament and selected local municipalities, so that these institutions can become more open and accessible to public input. The key expected results of this would be: 1) Improved CSO's representation of citizens' interests at national and local levels; 2) More effective and accessible selected national government institutions; and 3) More capable and open local government institutions.

139.   Whilst an appropriate legal framework and adequate resources constitute critical elements for effective representational role of parliament, it is equally important that individual MPs, as well as members of the Executive, understand the rationale and the necessity for public participation in decision-making and the purpose it serves. Thus, effective and efficient public participation in decision-making requires the political will on the part of the executive, the parliament and individual MPs to utilize their representational function and the array of tools at their disposal optimally.

140.   The APRM citizen participatory approach is progressively empowering citizens to actively participate in the governance processes through elections, constitutional reforms, and contributing to the government policy agenda. With the APRM process ongoing in many countries citizen involvement in policy process is increasing the chance of policy success.

141.   In response to the research question, over the years parliament are increasingly expanding their activities and areas of influence to become closer to the citizens. Thus, countries where citizens operates relatively freely and are involved regularly in decision making processes have experienced stability, developed solid democratic basis, sustained socioeconomic development and good governance.

142.   Parliaments will never mirror all elements of the community, particularly given the complexity of modern society, so building the capacity of citizens to represent themselves to parliament is an important element of the practice of representative democracy. Appropriate funding of parliamentary committees or advocacy groups, is considered to be crucial to strengthen weak voices, the voices of those who would otherwise lack the resources to make themselves heard. African countries need to explore these forms of extra-parliamentary representation, particularly community-based peak bodies, as institutions of representative democracy. This means paying much more attention to issues of representation and accountability within such bodies as well as to the process of community dialogue over policy development. It means more attention to the methodology of consultation and to the accountability of government for the relationship between policy consultation and policy decisions. It also means government acknowledging its responsibility for ensuring that policy consultation does indeed contribute to representative democracy by expanding the range and inclusiveness of deliberative forums.

143.   The paper has discussed not only how parliaments are responding or could respond to public pressures for involvement and accountability, but also how parliament can be more sensitive to public opinion and responsive to demands for change. Addressing these issues has at least two dimensions. On the one hand, the institutional responses, that is, on the measures that parliaments could implement directly by changing their structures or processes to encourage and engage citizens more fully. On the other hand, how the role of the individual MP is being affected as a result of changed and often increased public expectations of what MPs should be doing. In both cases, parliaments need to reinforce the representational role and improve public understanding of what MPs can and do, inside and outside parliament. Any reform designed to improve public engagement and political accountability needs to ensure that they strengthen, rather than undermine, the role of parliament. To this end, parliaments need to accept and collaborate more fully with external organizations, including civil society organizations, to strengthen links with the public. Given the public's interest for such initiatives, they can offer new ways for parliament to engage with voters and to promote a better understanding of their role and work.

5.2   Recommendations

144.   Access to information and lack of adequate civic education in most African countries is still a fundamental prerequisite to encourage public participation in decision making processes, including governance. Parliamentarians' role while ensuring that there is freedom of information, laws and regulations, they should also ensure that parliament itself, as an institution, has internal and complementary policies, procedures and practices that support openness and transparency towards the citizen.

145.   Given the complex nature of parliament's activities and the dynamic environment in which it operates, the overall best practices around the world are that members of parliament should be adequately supported by strong oversight State institutions and staff to enable them to perform their functions efficient and effectively. This support could include, but not limited to, the provision of dedicated staff in addition to those assigned to different parliamentary committees to which most MPs belong. Committees should be assigned dedicated rooms where they can meet as often and as long as necessary, including through increased capacity and facilities for public hearings. In this respect:

> »   African governments should *adopt appropriate policies and create/enhance national institutions to promote civic education for all citizens* to have basic understanding of their constitution and government organization and functions. This will ensure that citizens' participation in decision-making processes could go beyond casting ballots at elections and referendums to being more able to participate effectively in the work of various institutions of governance, both at national and local levels. Only through appropriate civic education people can meaningfully participate in the national and local decision-making processes;

> »   For parliament to promote democracy and good governance, it should *be more open and easily accessible to the public*. In this respect, government and parliament should adopt appropriate laws, policies and mechanisms towards improving citizens' participation in economic, social and political decision-making processes that affect their lives, including governance and to ensure that inputs received through public participation activities are properly channeled for the executive's consideration. The involvement of the media to this endeavor is highly recommended;

> »   For democracy to gain traction and good governance to flourish in Africa governments should prepare clear job description and assignment of duties and obligations for MPs, including after service obligations (mentoring and/or coaching) and responsibilities, which should be made available to the public;

> »   Governments in collaboration with development partners should ensure and enhance personal capacity/skills development of parliamentarians, staffers and structures so that the required administrative and institution capacity of the parliament is build, through for example, the use of ICT, outreach, networking and partnership arrangements. In this

respect, the primary function of the MPs should be to find out what people want and what their pressing issues are, so that in the performance of their key roles of legislation, representation and oversight they could deal with those critical issues seriously;

» Government and parliament should recognize the importance of public participation in decision-making processes and should strive for a constructive relationship through civil society organizations to ensure that there is broader opportunity for meaningful participation in the democratic process. Thus, without openness and wider citizens' engagement in decision-making process, the functions of the legislature can not be deemed to be transparent;

» Government in collaboration with civil society organizations, should promote civic education as an important component to enhance people's participation in decision making processes. Thus, for people to participate most effectively in decision-making processes they must have basic understanding of their government, organizations and, to some extend, of domestic and international issues. Only knowledgeable and informed citizens can actively participate in their national and local government affairs and hold them accountable for the resources they receive and the services they provide.

» Building an effective parliamentary consultation with the public should take into consideration the institutional, administrative and geographical settings of the country so that those which are more difficult to access are not sidelined in development policy making processes;

» In order to bring parliament nearer to the people, partnership with private agencies particularly those involved in information and communication technologies and electronic media, should be explored and enhanced. For example, the growing number of private radio, television and news papers which have emerged in the last decade has been quite proactive in offering a variety of competitive programs, interviews, and group discussions on specific issues of social, political, economic, constitutional and parliamentary importance;

» African countries need to explore the establishment special parliamentary groups or extra-parliamentary advocacy groups, particularly community-based peak bodies as a way to strengthen weak voices, the voices of those who would otherwise lack the resources to make themselves heard;

» The APRM approach to engage citizens in its modus operandi should be expanded to other spheres of governance, particularly with the parliament to engage citizens in government decisions making processes.

» On the role of external partners, the Pan African Parliament (PAP) in collaboration with the Inter-Parliamentary Union (IPU) should pursue an approach development partners to commission or conduct research studies on pertinent parliamentary issues and recommend policy measures for consideration by African governments. Since Heads of State and Government members of the PAP and IPU are required to consider such

recommendations where issues are sensitive, such as parliamentary consultations with the people on important national policy issues. This could provide a useful alternative vehicle to table people's concerns at Heads of State level.

Bibliography

Adar, G.K. (1999): The Interface between Elections and Democracy: Kenya's Search for a Sustainable Democratic System, 1960s-1990s, in J. Hyslop (ed.) African Democracy in the Era of Globalization, Johannesburg: Witwatersrand University Press.

African Peer Review Mechanisms (APRM), country reports,

African Union Commission (AUC), 2003, Charter on Democracy, Elections and Governance.

Afrobarometer (2005): Summary of Results Round 3 Afrobarometer Survey in Uganda, 2005, at: www.afrobarometer.org/final.pdf

Ahikire, Josephine/Madanda, Aramanzan/Musiimenta, Peace (2006): Towards effective participation of women in mulitparty politics in Uganda: Documenting experiences in 2006 elections. Final Report. Department of Women & Gender Studies, Makerere University.

Angelo Panesbianco (1988): Parties: Organization and Power, Translated by Marc Silver, Cambridge, Cambridge University Press.

Arend Lijphart, (1999): Patterns of Democracy

Azevedo, Elisabete (2009): The Assembly of the Republic of Mozambique: From Enemies to Adversaries? EISA, Working Paper.

Barkan, J.D., Ademolekum, L., and Zhou, Y. (2004): Emerging Legislatures: Institutions of Horizontal Accountability. In Brian David Levy and Sahr Kpundeh (eds), Governance and Public Management in Africa. Washington DC: The World Bank.

Bayley, Hugh and Ben Turok (2005): Holding Governments to Account on Commitments to Development. A Best Practice Toolkit for Parliamentarians in Africa, Europe and the West, October 2005

Brian, R. "The Parliament's needs for free access to information: Possible barriers and practical solutions", Speech at the 63rd IFLA General Conference, Copenhagen, Denmark, August 31 to September 5, 1997.

Bruce L. Smith (2003): Public Policy and Public Participation: Engaging Citizens and Community in the Development of Public Policy, Produced for the Population and Public Health Branch, Atlantic Regional Office, Health Canada.

CDD-Ghana (2009): Reflections on Ghana's Decentralization Program: Progress, Stagnation or Retrogression?, Papers from a Symposium; The Publications Department, Legon-Ghana.

Constitution of the Republic of South Africa 1993, at: www.nelsonmandela.org/omalley/index.php/site/.../06lv01880.htm

Denish Marshall (2003), Commonwealth Parliamentary Association, as cited in "Informed Democracies, Parliamentary Broadcast as a Public Service," Commonwealth Broadcasting Association, UNESCO.

E. Gyimah-Boadi (2009): Towards a Constitution for a Democratic and Wel-governed Ghana, CDD-Ghana, Constitutional Review Series, No. 1, January 2009.

ECA (Economic Commission for Africa), 2005, African Governance Report 2005, Addis Ababa, Economic Commission for Africa.

ECA (Economic Commission for Africa), 2009, African Governance Report 2009, Oxford University Press.

Elklit J. (2001): Electoral Institutional change and democratization: Election administration quality and the legitimacy of "Third World" elections". In J. Haynes (rd). Challenges of conflict, democracy and development in Africa, Johannesburg, EISA.

Encarta article on Ghana: The new state took its name from that of the medieval empire of Ghana at: http://encarta.msn.com/encyclopedia_761570799/Ghana.html

Ernest T. Mallya, Civil society organizations, Incompetent citizens, the State and Popular Participation in Tanzania, EISA: Journal of African elections Volume 8 No. 2, 2009.

Friedman, S. and Atkinson, D (1994) South African Review 7: The Small-Miracle – South Africa's Negotiated Settlement (Johannesburg: Ravan Press).

Gaines, Kevin (2006): American Africans in Ghana, Black expatriates and the Civil Rights Era, The University of North Carolina Press, Chapel Hill, on Nkrumah assassination.

Golooba-Mutebi, F. (2004): Reassessing popular participation in Uganda, Public Administration and Development Revue, **Vol. 24 Issue 4,** Published Online: 10 March 2004.

Government of South Africa website at: www.sahistory.org.za/pages/governance

Haider Syed Iqbar Haider, (2008): The Role of the West in Pakistan, as quoted by Louise Dunne, 2008.

Hubli, Scott K. and Alicia P. Mandaville (2004): Parliaments and the PRSP, World Bank Institute Working papers: Series on Contemporary Issues in Parliamentary Development, 2004

Ihonvbere O. Julius (1994): Governance, Economics, and Interdependence: Constraints and Possibilities in Sub-Saharan Africa. The University of Texas at Austin.

Imraan Buccus, (2009): People Participation in South African Parliament, Centre for Public Participation (CPP), KwaZulu Natal, South Africa.

Institute for Democracy and Electoral Assistance (IDEA)a, 2005, Electoral System Design: The New International IDEA Handbbook, Stockholm, Sweden.

Institute for Democracy and Electoral Assistance (IDEA)b, 2003, *Gobernabilidad Democratica y Partidos Politicos en America Latina* (Democratic Governance and Political Parties in Latin America), Stockholm, Sweden.

Janine Hicks, *Government mechanisms for Public Participation: How effective are they?* In Centre for Public Participation, 2008, South Africa.

Johnston, Michael (2005): Political Parties and Democracy in Theoretical and Practical Perspectives. Political Finance Policy, Parties and Democratic Development. National Democratic Institute for International Affairs, at: www.accessdemocracy.org/library

Kakande, John (2006): Shadow cabinet may not work. The New Vision. 18th June 2006, at: www.newsvision.co.ug/PA

Kruger, D.W. (1969). The Making of a Nation at:

www.nelsonmandela.org/omalley/index.php/site/.../06lv01880.htm

Laundy, Philip: *Parliaments in the Modern World. Hants* (England), Dartmouth 1989.

Lia Nijzink, Shaheen Mozaffar and Elisabete Azevedo (2006): Parliaments and the enhancement of democracy on the African continent: An analysis of institutional capacity and public perceptions, in: The Journal of Legislative Studies, 12:3, 2006.

Linz, J.J. & Valenzuela, A. (1994). The failure of presidential democracy. Baltimore: The Johns Hopkins University Press.

M. A. Mohammed Salih (2007): African Parliaments. Between Governance and Government, Palgrave Macmillan, USA.

Marc Van der Hulst (2000): The Parliamentary Mandate, Interparliamentary Union, Geneva.

Mark Sproule-Jones (1993): Government at Work, Canadian Parliamentary Federalism and its Public Policy Effects, University of Toronto Press, London.

Mubiru, Apollo (2007): Keynote Address at the two-day training workshop for parliament reporters on The Role of the Ugandan Parliament in the Multi-party system, at Speke Resort, Munyonyo.

Mwesige, Peter G. (2007) Keynote Address at the two-day training workshop for parliament reporters on the topic of "The Relationship between the Media and Parliament in Uganda", Speke Resort, Munyonyo.

Nakamura, Robert/Johnson, John (2003): Rising Legislative Assertiveness in Uganda and Kenya 1996 to 2002. Paper for the 19th International Political Science Association World Congress Durban, South Africa, June 29 to July 4,2003, at: www.albany.edu(cld/CVfolder/RisingLegislative/Assertiveness

NATO Parliamentary Assembly, 2006, Annual Session, G8 Commitments to developing countries, Rapporteur: Hugh Bayley

Nelson Kasfir (1998): No-Party Democracy in Uganda, Journal of Democracy 9 (2): 49-63, at:

http://muse.jhu.edu/login/journals/journal_of_democracy.html

Oloka-Onyango, J. (2001): Constitutionalism in Africa: Creating Opportunities, Facing Challenges, at: www.udayton.edu

OECD, Development Cooperation Reports 2006 and 2007.

Onorio, Henry (2005): Legislative and Policy Measures in Uganda vis-à-vis Practical Challenges of Compliance with AU Anti-corruption convention, at:

www.apuacafrica.org/docs/Anti-Corruption/Legislative/AU/Convention.pdf

Overseas Development Institute (ODI), Parliamentary strengthening in developing countries, Report to the UK Department for International Development, February 2007

Pan-African Parliament (2009): One Africa, one voice.

Parliament of the Republic of South Africa website at: www.parliament.gov.za

Parliament of the Republic of South Africa: Strategic Plan for Third Parliament 2004-2009.

Parliament of the Republic of South Africa: Parliament since 1994: Achievements and Challenges.

Republic of South Africa, Act 1909 at: http://en.wikipedia.org/wiki/Wikipedia/parliament of south africa

Republic of South Africa, Constitution Act 1983 at: http://en.wikipedia.org/wiki/Wikipedia/parliament of south africa

Republic of South Africa, Representation of Natives Act 1936 at: www.nelsonmandela.org/omalley/index.php/site/

Richard C. Crook, (2003): "Decentralization and Poverty Reduction in Africa: The Politics of Local-Central Relations," in Public Administration and Development, Special Issue: Decentralization and Local Government in Africa, February, 2003.

Robb, Caroline M. (2002): *Can the Poor Influence Policy? Participatory Poverty Assessments in the Developing Worlds*, Second Edition. The World Bank, Washington, DC.

Said Adejumobi (2009): Popular Participation and Africa's Development Agenda: Projecting a Citizen-Based United States of Africa, in Politikon, Volume 36, Issue 3 December 2009 , pages 403 - 422 .

SAIIA (South African Institute for International Affairs) 2005: *Working Together Assesing Public-Private Partnerships in Africa*.

Sayeed, P.M. (1992): "*Parliament: A Multi-Functional Institution"* in *Fifty Years of Indian Parliament* by G.C. Malhotra. New Delhi, Lok Sabha Secretariat.

Shameela Seedat, Legislation Monitor at the Political and Information Services South Africa (PIMS-SA) at IDASA, 10 November 2004.

Sørensen, A. (2002): Election without democracy: Process and prospects in a Changing World, Third Edition. Boulder: Westview Press.

The New Partnership for Africa's Development, (NEPAD), Framework Document at: www.nepad.org

The Parliament of Ghana at: www.parliament.gh

The Parliament of the Republic of Uganda at: www.parliament.go.ug

Uhr, J (2009): The Australian Model Senate, Canadian Parliamentary Review, vol. 32, no. 1.

UK Department for International Development, Policy Division, Helping Parliaments and Legislative Assemblies to work for the Poor. A Guide to the Reform of Key Functions and Responsibilities, July 2004 at: www.dfid.gov.uk/pubs/files/helping-parliaments.pdf

UK House of Commons International Development Committee, The Commission for Africa and Policy Coherence for Development: First do no harm, First Report of Session 2004–05

UNDP (1997): Governance for Sustainable Human Development, New York

UNDP (2006): Governance for the Future: Democracy and Development in the Least Developed Countries, New York, USA.

UNDP/IPU (2012): Global Parliamentary Report: The Changing Nature of Parliamentary Representation, Denmark.

United Nations, World Public Sector Report 2008, People Matter, Civic Engagement in Public Governance, New York.

USAID (2005): Democracy and Governance Assessment: Republic of Uganda, 2005

World Bank (2004): Building State Capacity in Africa, World Bank Institute, Washington DC.

Young, L. (1999): Minor Parties and the Legislative Process in the Australian Senate: a Study of the 1993 Budget. Australian Journal of Political Science, Vol. 34, No. 1, 1999.