The Politics of Parliamentary Strengthening
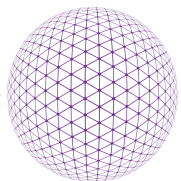
Understanding political incentives and institutional behaviour in parliamentary support strategies

Greg Power

WESTMINSTER
FOUNDATION FOR
DEMOCRACY

Global Partners & Associates
Democracy | Governance | Human Rights

About the Author:
Greg Power is Director of Global Partners and Associates. He is a parliamentary specialist who has worked with politicians, parties and parliamentary staff in the Middle East, Africa, Latin America and Europe in countries such as Iraq, Egypt andZimbabwe. He also provides strategic advice to donor agencies, foreign ministries and NGOs on support to parliaments and parties in developing democracies. He has written widely about parliamentary reform and international party assistance, including WFD's Handbook on Parliamentary Ethics and Conduct. He is the lead author of the first Global Parliamentary Report, to be published by the IPU and UNDP in 2012.

The Politics of Parliamentary Strengthening

Understanding political incentives and institutional behaviour in parliamentary support strategies

Greg Power

FOREWORD

The Politics of Parliamentary Strengthening
Understanding political incentives and institutional behaviour in parliamentary support strategies

3

This paper is the outcome of a joint project between the Westminster Foundation for Democracy and Global Partners and Associates to examine and suggest an alternative approach to traditional parliamentary strengthening programmes, one which seeks to engage deeper with the political context in which parliaments operate and to incentivise political reform.

At a time when many countries around the world are seeking to strengthen democracy, engage better with their citizens and implement political reforms, this is a timely opportunity for organisations engaged in parliamentary strengthening and political party development to re-examine how best they can support and incentivise political change and build this in to the design and implementation of parliamentary strengthening programmes.

In publishing this paper, we seek to join other international partners and agencies in developing useful tools and models in the field of parliamentary strengthening. These include the CPA Benchmarks for Democratic Legislators developed in 2006; the recently published EC "Engaging and Supporting Parliaments Worldwide: Strategies and Methodologies for EC Action in Support to Parliament" (2011); as well as research and papers in related fields such as DFID "Drivers of Change"(2004) and SIDA "Power Analysis: Experiences and Challenges" (2006)

As a second part of this joint project between WFD and Global Partners and Associates, a diagnostic tool for identifying the key institutional factors and incentive structures in parliamentary performance has been developed. WFD will be testing the model in our parliamentary strengthening programmes and this will be published separately.

Linda Duffield, CMG
Chief Executive
Westminster Foundation for Democracy

September 2011

CONTENTS

EXECUTIVE SUMMARY

The Politics of Parliamentary Strengthening
Understanding political incentives and institutional behaviour in parliamentary support strategies

7

Programmes to strengthen parliamentary institutions have been a significant feature of international democracy promotion strategies for several decades. However, in that time the general consensus is that their impact and effectiveness has been limited. Programmes have tended to focused on technical support designed to improve the capacity, infrastructure and procedures of parliaments. Yet the effectiveness of a parliament depends on more than structure and capacity. Ultimately, it depends on politicians and staff using fully the tools and powers at their disposal to hold government to account. By failing to engage with the underlying factors and specific circumstances that influence parliamentary (and political) behaviour, the potential impact of such programmes is immediately restricted.

The purpose of this paper is suggest an alternative approach, one which engages with the politics of parliamentary strengthening. It starts from the premise that the intention of all programmes is to shape parliamentary behaviour – that is, to improve the performance of politicians and staff in their parliamentary functions. Ultimately, changing the institution means changing political behaviour. In order to do this, programmes need, first, to understand the power relationships and incentive structures that exist within the parliament and, second, design support programmes which engage with and shape those incentives and influences.

The paper is structured in two main parts - the first half of the paper uses a two-part analysis for assessing the underlying causes of parliamentary effectiveness to a) map institutional power and b) identify the dominant incentive structures within the parliament. The second half of the

paper then sets out how these insights can be applied in the design and delivery of parliamentary support programmes, both of which are described in more detail below.

The introduction provides a brief description of the traditional, technical approach to parliamentary strengthening. Although they are providing some valuable support to developing parliaments, donors have frequently had unrealistic expectations about the impact that their programmes might have. The assumption appears to be that given the right structure, rules, skills and resources politicians will inevitably behave in a way that ensures an effective parliamentary democracy. Yet, in every parliament around the world there is a gap between the formal powers that the institution has to hold government to account, and the willingness or ability of politicians to use that power. The point of analysis should be to understand why that gap exists – what is causing politicians to behave the way that they do, and then seek to change it.

The first two chapters provide a framework for assessing the causes of parliamentary underperformance - in other words, why the gap exists between parliamentary power and the way it is used.

Chapter one provides the basis for mapping institutional power within a parliament. That is, identifying the key figures and sources of power that determine how the institution operates in practice. Parliaments are unlike almost any other institution in that there is never one person in charge. Various institutional and political figures will shape different aspects of parliamentary business, such as Ministers, the Speaker, or the

Secretary General, but they will often have very different objectives. Parliaments (and especially new parliaments) are frequently in a state of flux as different individuals and groups seek to control the way the institution works.

The chapter provides a basis for analysing the influence of different figures and the way in which they use control of patronage, procedure and resources to shape the behaviour of MPs. It suggests that the key figures can usually be found in one of three categories, namely, party political, administrative and committee/backbench. The purpose is to understand the sorts of client-patron relationships that exist within a parliament, how they distort parliamentary operation and, significantly, how they might be changed.

Chapter two looks in more detail at the incentive structures which affect parliamentary behaviour. It argues that the main incentives can be understood in three ways. First, the political party incentive structures will often apply some form of party discipline, instil certain party values and control the main forms of patronage and political promotion. Second, there will be personal incentive structures which operate independent and sometimes counter to that of the party – such as obligations to the constituency/constituents, policy ambitions, representation of certain sectional interests, or perhaps baser rent-seeking activity. Third, the institutional structure and culture of the parliament will provide incentives and opportunities to behave in ways that strengthen or undermine parliamentary function.

Analysing these patterns, relationships and incentive structures means that parliamentary

underperformance is understood in terms of behaviour arising out of the interaction of people, parliaments and incentives. But the challenge is then to use that analysis to develop different types of parliamentary support – to implement programmes whose principal objective is measured not just by structural change, but by behavioural change.

The second half of the paper examines what this means for the design and delivery of parliamentary support programmes. Chapter three suggests that all parliamentary programmes need to be built around clearer strategic objectives. Traditional parliamentary support has been based on a 'hit and hope' approach. There is, at best, a tenuous link between some of the techniques used in parliamentary support and the hoped-for outcomes – and no strategy for managing towards certain results. It argues that the success of any parliamentary strengthening programme will depend on the extent to which it is supported, promoted and owned by Members of Parliament. This means not only analysing the internal drivers and dynamics, but using them to develop a strategy which plays to those incentive structures and builds a coalition of support for change amongst MPs. In short, donor-funded programmes need to borrow lessons from the business world and help parliaments to manage the process of change.

Chapter four looks at how political change happens - that it is a slow, incremental and haphazard process, which is rarely amenable to neat designs or detailed reform plans. Parliaments, like every other type of organisation, have their own internal politics, which largely determine how the institution is run. Yet these lessons are rarely absorbed or

The Politics of Parliamentary Strengthening
Understanding political incentives and institutional behaviour in parliamentary support strategies

9

accepted in the design of support projects. Programmes need to start from here: by engaging with the small 'p' politics of parliamentary operation. Given this uncertainty projects need to be flexible, and driven by outcomes, rather than process.

Programmes should be guided by five core principles:

i) Understand what the institution looks like through the eyes of those in power.

Identifying the key institutional figures, their role in running the institution and the sources of their authority, will provide a perspective not only on the causes of parliamentary underperformance, but also the prospects for realistic reform.

ii) Identify the factors causing MPs to behave the way that they do.

Parliaments are diverse collections of individuals with a variety of interests who coalesce around issues as they arise. Programmes need to understand the impact of political, personal and institutional incentive structures on MP behaviour, and then seek to alter them.

iii) Parliament needs a common understanding of the problem

Change will only happen if a majority of MPs believe it is necessary and desirable. The success of parliamentary support programmes therefore depends on the extent to which they are regarded as the solution to a commonly-accepted problem.

iv) Parliamentary development should be framed in personal terms

Too many programmes are built around institutions rather than individuals. This needs to be turned on its head. Programmes should define institutional deficiencies in terms of how they affect individual MPs and staff, and develop programmes which address them by helping individuals to do their jobs more effectively.

v) Programmes must establish responsibility within parliament

The success of parliamentary support must be measured by how far it changes political behaviour, and not the structure of the institution. This sort of change has to be owned by MPs themselves. Programmes should provide the incentives for MPs to own and drive that process of change.

Successful parliamentary strengthening needs to work with the grain of political opinion in a parliament, and it needs to distinguish between the 'politics' of the institution, and the 'Politics' of the state, if it is to generate momentum. The shift in mindset means that parliamentary support work should be seen less as a process of implementation, and more akin to consultancy – helping the parliament to define both the problems and their own solutions. Ultimately, the pace of change cannot be determined from the outside by donors, it needs to emerge from within the parliament. If donors are genuine in their desire for greater impact it will mean that they take greater responsibility for the results of their interventions, but ultimately exercise less control over how reform is enacted.

INTRODUCTION
REDEFINING THE PURPOSE OF PARLIAMENTARY SUPPORT

The Politics of Parliamentary Strengthening
Understanding political incentives and institutional behaviour in parliamentary support strategies

11

Programmes to strengthen parliamentary institutions have been a significant feature of international democracy promotion strategies since the 1970s, but grew markedly during the 'third wave' of democratisation in the late 1980s and early 1990s. In the first decade of the twenty-first century parliamentary support continued to expand, and is now a key element in the governance work of almost all international donor agencies. Yet it has been described as the 'least effective' area of democracy promotion which has failed to generate any meaningful results or show any tangible changes to systems of governance.

In recent years donor agencies have sought to adopt new forms of analysis and programme design to address these failings, especially since the Paris Declaration on Aid Effectiveness and the Accra Agenda for Action. A report from the ODI in 2007 summed up many of these challenges, arguing that parliamentary programmes needed to be based on a much better understanding of the causes of parliamentary weakness, much clearer about their objectives and built from the specific political context within which individual parliaments operate. However, while there is a high level of agreement at the strategic level on both problem-analysis and design of programmes, there are few tangible examples of this approach reaping benefits – especially in relation to parliamentary development. There appears to be a gap between the international strategic priorities and country-specific programmes – it is not clear how well those strategies are being translated into practical programmes. In the field of international parliamentary strengthening it seems we have some useful architectural plans, but we have not yet constructed many buildings.

Parliaments have an especially important role in emerging democracies - not only in improving the quality of governance by ensuring transparency and accountability, but also playing a critical role in shaping the public's expectations and attitudes to democracy. Their performance in holding government to account and engagement with voters will help to establish the norms and values in the early years of a democratic culture. Yet in many parts of the world legislatures have fallen far short of public (and donor) expectations. In emerging democracies, parliaments are frequently ineffective against a powerful executive, and have little public legitimacy and authority. The causes for such weakness are many and varied, frequently relating to the historical legacy of a particular country and the transition to democracy, as well as the political context in which the parliament operates. But it may also reflect more prosaic factors such as a lack of resources, poor organisation or limited formal power.

Most support programmes are usually built around the performance of the parliament in their three main conceptual functions, namely, legislation, oversight and representation although financial oversight is increasingly being seen as a distinct area of activity.

• Legislation - Assessment of the legislative function will be concerned with how well parliament scrutinises and amends bills, or simply acts as a rubber-stamp for the Executive;

• Oversight - Parliamentary oversight is the main means by which government is held to account between elections, analysis will therefore concentrate on whether parliament ensures government departments are run

efficiently and that ministers are regularly called to account for their actions and policies;

• Representation - Parliament ultimately derives its legitimacy from its ability to represent and articulate public concern and programmes tend to concentrate on the 'representativeness' of parliament (that is how its make-up reflects wider society) and the extent to which MPs consult and engage with voters;

• Financial oversight – Parliament should have the power to agree the State's spending priorities, ensure that specific policy areas are being funded adequately to meet policy objectives and to examine income against expenditure.

The inability of parliament to perform these functions could be for a variety of reasons, and the process could break down at any point in between the initiation and drafting of government measures, through the parliamentary stages of the debate, scrutiny and amendment, or indeed at the point of implementation. A problem in one aspect of parliament activity is often closely linked to shortcomings elsewhere, and it is rare for an underperforming parliament to display weakness in only one area.

The traditional approach to parliamentary support largely failed to recognise this. First, it relied on too superficial an analysis of the problems facing parliaments and rarely understood the political, social and economic context within which they operate. As a result, too many programmes were built around generalisations and attempted to replicate the same programme in many different countries, using unsuitable methods and inappropriate techniques.

Second, the approach reflected donor preference for technical support to parliaments. Most donor agencies have traditionally been wary of being seen as interfering in the domestic politics of another sovereign nation. Parliamentary support is therefore highly sensitive if it seeks to improve the oversight of a dominant Executive. Providing equipment, resources or training is, by contrast, much less controversial.

Third, although it is obviously important to identify structural weaknesses and where the manifestations of poor legislative scrutiny, accountability and representation exist, programmes built solely around this sort of analysis are likely to focus more on symptoms rather than causes. That is, focusing on a lack of resources or skills or planning, for example, frequently leads programmes to use those as identifiable outcomes. However, these tend to be signs of ineffectiveness rather than causes. Programmes might be better to start by asking why the skills or resources are absent. It also means that projects are often judged on their ability to deliver training to politicians – rather than on the impact that training has on the parliament's effectiveness.

The ultimate purpose of parliamentary support work should not just be to change the structure of the institution, but to change the behaviour of the politicians within it. The technical approach is based on the assumption that given the right structure and resources politicians will automatically behave in a way that ensures an effective parliamentary democracy. By providing more institutional resources, delivering training courses or changing the structure of the parliament, the hope is that

The Politics of Parliamentary Strengthening
Understanding political incentives and institutional behaviour in parliamentary support strategies

13

MPs will spend more time on their core parliamentary functions - of scrutinising legislation, holding ministers to account and representing their constituents – and be more effective in each of them.

In practice, this rarely occurs. Programmes need to understand how parliaments operate in practice, and why a gap exists between the formal powers that the institution holds and how they are used in reality. In short, they need a rounder analysis of the factors influencing political behaviour. The next two chapters provide the basis for analysing these, by looking at institutional dynamics and incentive structures.

CHAPTER ONE
MAPPING INSTITUTIONAL POWER

The Politics of Parliamentary Strengthening
Understanding political incentives and institutional behaviour in parliamentary support strategies

15

One of the most significant problems in understanding how a parliament is run is that there is never one person in charge. Various institutional and political figures run different aspects of parliamentary business. So, although positions such as the Speaker or Chair will be formally responsible for procedure and maintaining order, they compete for influence with political party leaders, administrative figures such as the Chief Clerk or Secretary General, and senior committee positions or other senior politicians with alternative power bases.

These problems are particularly acute in new parliaments and countries with a limited democratic tradition. All legislative institutions go through a long period of establishing the rules, precedent and procedures. American political scientist Nelson Polsby, looking at the institutionalisation of the US Congress describes how, it took decades for members to come to some agreement about the rules, the authority of the Speaker and professional standards of conduct and decorum. In the US Congress, as in every other parliament, the early years were rowdy and tumultuous, and characterised by incidents such as this from 1838: "Upon resuming his seat, after having replied to a severe personal arraignment of Henry Clay, former Speaker White, without the slightest warning received a blow in the face. In the fight that followed a pistol was discharged wounding an officer of the police ... The fisticuffs became so violent that even the Chair would not quell it."

The process he describes is one of a battle as to who controls the institution. In the early years of a parliament, with no common agreement about

how the institution should be run, this battle is particularly sharp, as different individuals and groups in parliament will seek to interpret and develop the rules for their own political benefit. As they evolve, so members come to some common agreement about the rules of the game, and the games within the rules and develop a greater stability.

However, parliamentary support needs to work from this understanding - that parliaments are rarely monolithic or coherent institutions, but are frequently in a state of flux as collections of competing, and shifting, sets of interests seek to shape how the institution is run, and how it takes (or avoids taking) decisions. Frequently, it is the dominance of certain institutional figures over the running of the parliament that undermines parliamentary performance across the range of its functions through patronage, control of procedure or manipulation of resources.

This constellation of factors will vary from one institution to the next, but this chapter seeks to provide a basic framework for identifying the key figures within the institution and understanding how they exercise control. It is divided into two main parts. The first part suggests that the key figures can be divided into three categories – party political positions, formal institutional and administrative positions, and senior backbench and committee positions. The second part, addresses the potential sources of influence and control that such figures might hold, suggesting that their authority generally comes from one of three sources - political power, parliamentary procedure or control of resources.

The final part of the chapter looks at the ways in which such control has distorted

parliamentary performance in particular countries, and draws out the main lessons for the design and implementation of parliamentary programmes.

Key figures of influence

1) Party political positions

Most parliaments are characterised by the dynamic between Government and opposition. Government will usually need parliamentary approval for its legislation, spending and key decisions. Perhaps it should not be surprising that Governments sometimes seek to control the parliamentary agenda and get business through as quickly and smoothly as possible.

The range of figures likely to influence the operation of parliament will therefore start with the President or Prime Minister, the leader of the majority party or leader of government business in parliament. Such figures are likely to have a significant role in determining the pattern of parliamentary business, not only when certain votes will be taken, but also how long parliament will be given to scrutinise and deliberate. In addition, they are likely to influence the appointment of MPs to various parliamentary positions, such as committees or internal decision-making bodies.

The parliamentary party whips will usually be responsible for implementing many of these decisions, enforcing discipline and providing intelligence on MPs. However, government ministers at every level will also have an impact through their participation and interaction with parliament on the effectiveness of plenary debates, questions and committee hearings.

By definition, the opposing parties will have less influence and power, and fewer weapons at their disposal, but will usually be seeking to extend parliamentary control over government. The extent to which either government or opposition will shape the running of the institution depends on the balance of power (i.e. how many MPs the governing party has), the level of discipline and cohesion within the political parties and their formal roles in the running of parliamentary business.

2) Formal institutional and administrative positions

Although political interests may appear to dominate the way in which parliament is run, formal responsibility for running parliamentary business, keeping order and enforcing procedure lies with the Speaker (or Presiding Officer). As the public face of the plenary session, the Speaker will have a prominent role in most aspects of parliamentary activity, interpreting rules and sanctioning errant MPs. But the Speaker is also likely to have a prominent role in the unseen aspects of parliamentary organisation, such as decisions over the parliamentary timetable (either through a 'business committee' or in private discussions with government ministers and whips). He or she is likely to be decisive in the in the creation of committee structures, appointing MPs to committees and sometimes even determining the quality of their work.

Within the administration of parliament the Clerk or Secretary General will usually play a less public role, but will often be a pivotal figure in emerging parliaments, responsible for the

The Politics of Parliamentary Strengthening
Understanding political incentives and institutional behaviour in parliamentary support strategies

17

internal organisation and staffing of the institution. The Clerk thus has an impact on the way the rules and roles are enacted in practice, influencing the way that committees conduct their business, determining levels of committee staffing and resources, and support for MPs in performing their key parliamentary roles.

Although in the Westminster tradition such figures tend to be thought of as independent and 'above politics', in many countries both the Speaker and the Clerk frequently play a politically decisive role.

3) Senior 'backbenchers' and committee positions

The third group is more amorphous and less easily defined. Although they may not seek overarching influence over parliament in the same way as political leaders or institutional positions, senior politicians are likely to shape the behaviour of the parliament in discrete, but important, ways.

In most parliaments, committee performance is uneven and inconsistent, with some committees performing far better than others. It is a truism that the effectiveness of a parliamentary committee depends on the quality of its chair. A well-organised and focused chair is likely to run a well-organised and focused committee, determining which issues to examine and how vigorously to pursue them. Such committees can act as a bulwark in otherwise unimpressive institutions. In Zimbabwe, for example, where Robert Mugabe's ZANU party still dominates the political decision-making process, the parliament is largely inactive and ineffective.

However, one committee, responsible for Energy and Mines vigorously pursued evidence of corruption in the mining of diamonds. This is significant because the investigation was a cross-party effort led by a ZANU MP, investigating mostly ZANU-linked officials. The willingness of the committee to use the full extent of their legal powers has provided MPs and other committees with an indication of how far parliamentary power might extend.

In addition, each parliament is likely to have certain procedural or backbench committees who exercise an influence over the operation of parliament. These might include rules or procedures committees, members affairs committees, or committees of all the committee chairs (sometimes called liaison committees). Such forums can act as a significant location of power independent of the Executive. But, perhaps more importantly for parliamentary support projects, each of these committees will have a direct interest in how the institution is being run, and will want to influence any proposed changes or reforms.

Sources of influence – political patronage, parliamentary procedure, control of resources

Understanding the perspective on power of key figures will give some sense of the points of influence and the way the institution is run. But it is also important to understand how they derive their influence. Why is it that these figures have authority, and can influence the way in which MPs behave? In other words, what sort of patron-client relationships exist that shape the running of parliament and, more specifically, what sources of power underpin those relationships.

Within parliaments these relationships are normally defined by three main sources of influence, namely:

- Political patronage. The ability to appoint MPs to ministerial office, public bodies, or committee chairs will usually be in the hands of the Executive, as a form of political patronage. But the Executive's control of government money will also allow them to dispense money, either directly to MPs or by approving funds for constituency projects.

- Parliamentary procedure. As mentioned above the power of the Speaker derives largely from their formal role in interpreting parliamentary procedure, which is especially important in new parliaments with little common understanding of the rules. This interpretation/adjudication runs to keeping order and the power to sanction MPs. But it also extends to the ability to change the rules, determine the structure of committees, decide the pattern of business and length of sittings. In short, the ability to determine how and when decisions are taken – or not.

- Control of resources. The ability to decide how a parliament spends its money on staff, resources and committee enquiries, will obviously have an impact on the quality of the work in that parliament. Parliament's control of its own budget has been an important development in several African parliaments in the last decade to control both staffing and spending.

Those in significant positions will often draw on more than one source of authority. For example, it is not unusual to find parliaments where a dominant Prime Minister or President has considerable political patronage at their disposal, a role in running parliamentary business and procedure, and even control the parliamentary budget.

Institutional power in practice

Two examples from Africa highlight these sorts of dynamics, and particularly how the influence of key institutional figures within the parliament can dramatically distort its operation.

The first is Ghana, which is generally seen as a successful example in Africa of the transition to parliamentary democracy. Although it gained independence in 1957, its sporadic bouts of democratic governance were interspersed with military rule. The last of these periods, instigated by Flight Lieutenant Jerry Rawlings through a coup at the end of 1981, resulted in government through a Provincial National Defence Council. Rawlings inched Ghana towards parliamentary democracy, legalising political parties, introducing political reform at the local level and holding the country's first multi-party parliamentary elections in 1993. In subsequent elections the balance of power has gradually shifted. Rawlings' NDC party won the first two elections, but in 2000 the National Patriotic Party (NPP) won more seats in parliament, its leader John Kufuor became President, and a new Speaker, Pete Ala Djetey, was elected with the specific intention of strengthening parliament.

Yet, despite the impression of a functional parliamentary democracy, the institution has been subject to manipulation by the governments of both Rawlings and Kufuor in three main ways. First, they sought to reduce

parliamentary opposition by simply increasing the number of MPs who were also ministers. Between 1996 and 2008 the proportion of Ministers in parliament increased from 20% to 43% of total elected members, which in turn meant increasing the number of ministerial posts in government by around 50% in that period.

Second, the mass of MPs were subject to a range of threats and inducements. At one level, Kufuor employed a tight whipping regime, forcing MPs to show their ballots to ensure they voted for Executive measures. But, other forms of patronage were also deployed. In a system where the MP is under enormous pressure to provide for constituents and the constituency as a whole, loyal MPs were rewarded with state-funded public works projects in their local area, personal appointments to public tender boards which could increase their salary by more than 30% or simply brown envelopes full of cash at the time of significant votes in parliament.

Third, the institution came more directly under the control of the Executive in two ways. In the first instance, it increased its influence over procedure and resources through the Speaker. Between 2001 and 2004 Speaker Pete Ala Djetey preserved parliament's autonomy, its control over the agenda and enacted significant improvements in the terms of service for staff and MPs. But in 2005 he was removed in a rigged election, and replaced by a Kufuor crony, who simply carried out the Executive's wishes. Part of this was reflected in the second dimension of control, as the financial independence of the parliament was eroded. In 2005 the government cut parliament's budget

by around three-quarters and then exercised stricter guidance over the terms under which it could be spent.

A similar pattern of co-option and bribery played itself out in Kenya until the late 1990s. Kenya became independent in 1963, but parliament effectively acted as a rubber-stamp under the Presidency of Jomo Kenyatta between 1964 and 1978, and for much of the time under his successor, Daniel arap Moi, until 2002. However, in 1992 Kenya resumed multi-party democracy, and between then and 2007 held four sets of elections (1992, 1997, 2002, 2007).

The key parliamentary figure for Executive control of the parliament under Moi was the Speaker, Francis Ole Kaparo. Kaparo acted as Moi's agent to contain legislative activity and oversight, limit the development of parliamentary power, and restrict the staffing and resources of the institution. Attempts by international donors such as USAID to strengthen the parliament, even in terms of its physical capacity, were ultimately frustrated by the interventions of Kaparo. The Speaker ultimately acted as a brake on any reforms that might challenge his position and authority.

However, in contrast to Ghana, a series of reforms enacted between 2000 and 2008 circumscribed the power of the Speaker. A group of reform-minded MPs pushed for changes that would make the office of the Speaker directly accountable to MPs, allow parliament to take control of its own resources and spending, and make parliament independent of the Executive. The resulting Parliamentary Service Commission (PSC),

created in 2000, took responsibility for the internal organisation and staffing of the institution. Although still chaired by Kaparo, his power was diluted by the presence of its nine other members. And, from this base, MPs pushed for further reforms to strengthen the committee system, professionalise the staff and improve parliamentary infrastructure. By 2008, a new Speaker had been elected by MPs and a wholesale revision of Standing Orders was approved which made the government much more accountable to parliament.

The ultimate success of these reforms can be understood in two ways. First, the power base of the Speaker changed. His authority had initially stemmed from his proximity to the President, and he used this to control patronage, procedures and resources within parliament. However, the election of a more restive and independent group of MPs in 1998, which reduced the President's majority in parliament, meant that the Speaker had to rely at least in part on the support of MPs to secure his position, and therefore had to respond to some of their demands.

Second, reforms to strengthen parliament were closely tied to the issue of parliamentary infrastructure, resources and MPs' salaries. Kaparo bought himself some time – and temporarily staved off parliamentary reform - by improving the support to MPs, the introduction of constituency development funds (CDFs) and a significant increase in MPs pay. By 2008 Kenyan MPs were earning $157,000 per year and were disbursing an estimated $646,000 in CDFs per constituency. Yet, it was parliament's desire to make itself independent of the Executive – and thus determine its own budgets and salaries – that acted as the catalyst for the reforms that strengthened parliamentary power, and ultimately sealed Kaparo's demise.

Conclusion

The point of these examples is to highlight the extent to which the key figures within a parliament can use patronage, procedure and resources to influence the behaviour of MPs. Ghana has showed the distorting effect of Executive dominance as it used patronage, co-option and bribery to extend its control over parliament. Kenya offers a more optimistic assessment, highlighting the way in which the issue of who controls parliamentary resources was used to build support for the process of parliamentary reform, although – some would argue – at considerable financial cost.

The key point is that appreciating such distortions of parliamentary functioning should be at the heart of any analysis of parliamentary support. Traditional forms of technical support would have been unlikely to tackle such challenges, and in providing additional resources to the parliament may even have entrenched the positions of those in power.

Two key lessons can be drawn. First, projects need to be based on an analysis of institutional power, and the way that it is being used. Invariably, those in positions of power will seek to use their control of patronage, procedure and resources to retain that power. But understanding those institutional dynamics will mean that parliamentary support programmes can be built around a better analysis of the causes of that institutional underperformance.

The Politics of Parliamentary Strengthening
Understanding political incentives and institutional behaviour in parliamentary support strategies

21

Second, projects need to appreciate what the world looks like through the eyes of those in power. Any reforms to parliament, and especially those which strengthen the autonomy or power of parliament, are likely to challenge the authority of those currently running the institution. Opposition to any change at all may run deep. A senior figure in the Government Whips' office in the British House of Commons once told the author, "the system may not be perfect, but we know how to operate it. Any change might undermine our ability to get MPs to do what we want them to." Projects need not only to identify the key institutional figures, but also anticipate their attitude to reform, as their support or opposition is likely to determine the success of the project.

CHAPTER TWO

THE HUMAN ELEMENT - PARLIAMENT AND INCENTIVE STRUCTURES

Parliaments rarely, if ever, act as collective institutions. Unlike other organisations bound together by a clear vision and mission, there are almost no circumstances when every MP will be pursuing the same objectives. Parliaments should be understood in this way - as collections of individuals with a wide variety of interests, who band together in a series of shifting coalitions, depending on particular issues and the incentives at work.

The purpose of this chapter is to provide a framework to understand those incentive structures and their impact on the parliament. The framework provides three categories, into which a variety of incentives can be grouped, namely; political, personal and institutional. The first covers the pattern of political control and patronage exercised by parties, the second includes individual elements of representation covering personal and constituency interests, and the third assesses the impact of parliamentary structure and culture on behaviour. The final part of the chapter looks at how these incentives have worked in practice, and how a combination of incentives and the fear of sanctions might be used in support programmes. The point is to find ways of aligning the interests of different groups of MPs around a set of reforms – often to counteract Executive pressure - which in turn means working with, and shaping the various incentives that exist.

1 - Political Incentives: patronage, discipline and party norms

One of the commonest problems for parliamentary support programmes is in getting MPs to see their role not just in party political terms – that is, as either supporters or opponents of the governing party - but as 'parliamentarians', responsible for ensuring effective oversight of legislation, policy and spending regardless of party. In practice this is problematic, as the parties provide the main basis for organising parliamentary business, and exercise control over their MPs in three main ways.

First, the party will provide the principal way of getting elected and the basis for a parliamentary career. Although independent candidates do succeed, the vast majority of MPs are elected on a party platform, benefiting from the campaign resources, support networks and wider recognition of the party name amongst the electorate. Once in office, MPs are largely dependent on the senior figures in the party, and especially the whips, to put them forward for promotion to positions within committees or as ministers. In short, the political party will largely determine the success and length of an individual MP's political career.
Second, parties determine the behavioural norms in parliament. Even before they are elected the parties are likely to enforce certain norms and expectations of their politicians. The party will provide the main source of advice for new MPs uncertain how to behave or do their job. And in the running of parliament, parties are the principal channel for disseminating information about parliamentary business to MPs and guiding MPs as to how they should vote.

Third, as the previous chapter emphasised, politicians are often subject to more direct forms of patronage. This includes directly incentivising MPs by buying their votes, appointments to government or other positions of power, or distributing funds to projects within

their constituency. At the other extreme, 'disloyal' MPs may find themselves threatened with the removal of political or financial support.

Other drivers may also be at work. For example, in post-conflict countries where the political parties are made up of members of former militias, the discipline, cohesion and loyalty to a cause, which is essential to a fighting army will continue to shape the behaviour of those people when they are elected politicians.

Given such factors it is easier to understand levels of party control. Parliamentary parties are structured to ensure discipline, with the whips existing solely to enforce order. An MP who wants to succeed is likely to respond to those incentives.

2 - Personal incentives: Ambitions, policy interests and constituency accountability

Parties are thus important in understanding the relationship between the MP and oversight of the Executive. However, in many emerging democracies, and especially in Africa, parties bear little resemblance to those in most of the donor countries. They are rarely ideological or issue-based organisations with a clear set of policies which creates internal cohesion and distinguishes them from other parties. Rather, they tend to be loose coalitions of interests based around the personalities of their leaders. In such circumstances, other incentives may dilute the dominance of the parties.

In this context, it is important to understand why individuals seek to become MPs in the first place. The position is likely to offer status, influence and opportunities for financial gain. But, at the most basic level the office should provide MPs with sufficient income and resources. The previous chapter showed how, in Kenya, the issue of parliamentary salaries and infrastructure became the rallying point for a wider process of reform amongst MPs.

Equally, the role of the MP provides the opportunity to pursue the interests of a cause, such as a trade union, civil society organisation or policy issue. They may also feel accountable to other interests such as the constituency, a tribe, a religion or a class which overrides other patron-client relationships. It is rare to find a politician who is not interested in some form of political change, however minor. In such cases the politician is likely to owe their election – and possibly re-election – to groups whose interests they were elected to promote. These considerations may act as a counterweight to those of the party, especially if they are in conflict with one another.

However, the single most important factor is likely to be the electoral system. List-based electoral systems tend to enhance the control of the party, as re-election depends almost entirely the party chiefs who decide the order of candidates on the party list. Constituency-based systems, by contrast, mean that MPs are accountable to voters in their home territory, who are likely to influence both the selection of candidates and their election prospects.

The expectations of the constituency therefore have a powerful effect on the behaviour of MPs. In patrimonial societies MPs are expected to deliver tangible goods for individuals and organisations in their constituencies. This stretches from direct financial support to individuals, to help with schooling, health or even

The Politics of Parliamentary Strengthening
Understanding political incentives and institutional behaviour in parliamentary support strategies

25

funerals, to providing roofs for schools, beds for hospitals or support for other public institutions. Even in non-patrimonial societies MPs are usually seen as important and wealthy individuals, expected to intercede and provide benefits to their constituents from their own pocket.

This obviously has many implications for the way MPs see their role in parliament. Two contradictory trends are particularly worth noting. First, if re-election depends on a personal vote and constituency opinion, MPs may be less beholden to the party, and therefore less likely to respond to the overtures of the whips. But, second, the focus on delivering tangible goods for the constituency means MPs have to find the funds to provide for voters. In some cases, this has led to the creation of constituency development funds, in others it has made MPs more susceptible to bribery and corruption – and thus more likely to toe the party line in return for patronage.

3 - Institutional incentives: Parliamentary culture, structure and experience

The way in which MPs pursue their personal interests, and respond to party incentives can though only be understood in the context of the parliament's culture and structure. The country's experience of democracy, the turnover of MPs at each election and the extent to which norms are 'institutionalised' will determine the character of the parliament. But, the extent to which parliament provides opportunities for MPs to achieve their objectives will also encourage and discourage certain forms of behaviour.

The description of the early days of the US Congress at the start of chapter one, highlights some of the challenges for developing parliaments. The parliamentary culture will often be very fragile, with few institutional norms or common patterns of behaviour, especially in countries where there is a limited recent experience of democratic politics. In such circumstances, parliamentary rules and procedures are open to interpretation, and often the subject of fierce contest between different parliamentary groups.

The recent history of Iraq provides an extreme example of these dynamics. The international community strove to provide Iraq's Council of Representatives with a clear constitutional position and comprehensive rules of procedure. Yet, during their first legislative term, the meaning of the rules was the subject of constant disagreement, the authority of the Speaker and his Deputies was frequently called into question and their interpretation of procedure consistently challenged. This occasionally resulted in fistfights between disagreeing politicians – or their bodyguards. In an atmosphere of zero-sum politics, every MP had a direct interest in how the institution should be run, but few common cultural norms which they could fall back on.

The process (or absence) of institutionalisation will shape standards of behaviour and incentive structures, but parliamentary projects also need to take into account how politicians' activity varies in different forums. For example, the plenary session is likely to emphasise division and raise the level of rhetoric as politicians play to an audience of fellow MPs (and possibly the wider public), attack the opposition and generate support from party colleagues. By contrast, work in permanent and portfolio committees means that

politicians work with the same group of members on a specific policy area over a long period. The effectiveness of the committee depends on the ability of politicians to build up policy expertise and work across party lines, thus providing incentives for them to place their parliamentary duties ahead of party loyalty.

The structure of the parliament, and the opportunities it creates for MPs to pursue their political, personal or constituency objectives, is therefore crucial. This means that committees need significant powers and resources, so that membership or chairing a committee confers a certain status. But in addition, there need to be enough committees to shadow the work of the various government departments and handle legislation, but not so many as to make it difficult for them to be filled with MPs and regularly reach a quorum. In short, the committee system needs to contain the incentives for MPs to regard it as a viable parliamentary career.

Incentive structures in practice

Parliamentary support programmes need to take into account this combination of political control, personal ambition and structural factors, as they can often distort the process of reform. For example, in Indonesia, the parliament was regarded as a key institution in the transition to democracy following the collapse of three decades of authoritarian rule by President Soeharto in 1998. It though faced a series of institutional and political hangovers from the previous regime which hampered its operation, not least the quality of staff, the politicians and the political parties.

Within this context the committee system had a vital role in securing improved parliamentary accountability. The eleven permanent committees are the principal way in which parliament exercise its constitutional functions, providing the main forum for detailed legislative scrutiny and amendment, calling ministers and government agencies to account and approving public appointments. The committees thus enjoy significant powers and a formal relationship with other state institutions including the Supreme Audit body and electoral commission.

Yet, the political culture is such that these extensive powers have been used by MPs as means of extortion, with numerous examples of committee investigations being distorted by bribery, and chief executives of public and private bodies being told that they would face hearings unless they paid committee members. It has even led to competition between committees over territory, and which had the right to 'investigate' in particular policy areas. Similarly, the attempt to reform Nigeria's committee system in 2008 has to be understood in the context of a parliament "permeated by clientilism, corruption, and struggles over patronage". Since the transition to democracy in 1999 the parliament has been active and steadily increased its reach over government. And within that system, the committees have played an important and energetic role, even though performance between committees varies enormously.

Part of the reason for the high level of committee activity was the fact that parliament actively encouraged participation by providing allowances, the possibility of travel and

The Politics of Parliamentary Strengthening
Understanding political incentives and institutional behaviour in parliamentary support strategies

27

heightened personal reputations. However, this simply resulted in a dramatic increase in the number of committees, and the number of MPs attempting to maximise their allowances by simultaneously serving on as many as possible. Whereas in the First Assembly there were around 40 committees in each House of Parliament, by 2007 this number had increased to 84 in the House of Representatives and 54 in the Senate, with some MPs participating in a dozen committees. After the 2007 election a new Speaker announced his intention to rationalise them. However, the entrenched nature of the system and MPs' attitudes towards it meant that after a three month review the process ended with the creation of an additional twelve committees.

Conclusion

By its very nature, the field of parliamentary support tends to focus more on cases of distorted parliamentary incentives than examples of perfectly-functioning institutions, and the cases above fall in to that category. However, they do show that not all parliamentary behaviour can be explained in terms of party politics or the dominance of the Executive. In these cases, a combination of personal interests, institutional culture and parliamentary structure worked to the detriment of the parliament's role and function.

In every parliament there is some form of patron-client politics which distorts activity. Understanding these patterns, relationships and incentive structures should be integral to the development of all parliamentary support programmes. Traditional forms of support tend to diagnose problems in terms of institutional

deficiency, and provide resources or training on that basis. The issue was summed up in a 2008 report from the Africa All Party Parliamentary Group in the British House of Commons, which quoted one senior figure in the field, "Too often donors and implementers 'teach' MPs about their 'role'. [The problem] is usually not MPs' lack of understanding, but the incentive structure that governs their behaviour. Programming needs to focus on changing these incentive structures, rather than simply 'teaching or 'training' MPs."

Instead of diagnosing challenges simply as institutional problems, they need to be understood in terms of the individuals within the parliament. MPs differ from each other. But it is this human element that is often missing from parliamentary support work. Programmes must draw on the institution's structural weaknesses and an understanding of institutional power, but also the incentive structures which shape the behaviour of individual MPs.

CHAPTER THREE
A POLITICAL STRATEGY FOR PARLIAMENTARY STRENGTHENING

The Politics of Parliamentary Strengthening
Understanding political incentives and institutional behaviour in parliamentary support strategies

29

Analysis from the previous two chapters shows that parliamentary underperformance should be understood in terms of behaviour arising out of the interaction of people, parliaments and incentives. But the challenge is then to use that analysis to develop different types of parliamentary support – to implement programmes whose principal objective is measured not just by structural change, but by behavioural change. Such an approach has numerous implications for how donor agencies and implementers design and deliver parliamentary support. These are explored in the next two chapters.

Developing programmes that seek to foster the process of change within a parliament means that they need to be informed by a strategy as to how that change might happen. Although some have sought to identify characteristics of successful parliamentary reform, there are few guides for the strategic design of such programmes. There is, however, a voluminous business literature on change management which may provide insights for parliamentary support work.

These strategies invariably seek to define desirable changes within an organisation, and then build internal support and momentum around that common vision. All of them stress the importance of identifying and addressing the links between structure, behaviour and culture. They are based on the recognition that the process of change is a complex one, which operates at a number of levels within the organisation. The success of any parliamentary strengthening programme will depend on the extent to which it is supported, promoted and owned by Members of Parliament. This means

not only analysing the internal drivers and dynamics, but using them to develop a strategy which plays to those incentive structures and builds a coalition of support for change amongst MPs.

There can be no universal template for this. The contents will be determined by mapping institutional power and identifying the dominant incentive structures so as to understand the specific factors at work in a particular parliament. However, this chapter seeks to set out the characteristics and principles for a political reform strategy which builds support and momentum behind the reform process. This is divided into six stages:

i) Work from the current political context

At the time of Barack Obama's election to US President in November 2008, his Chief of Staff Rahm Emmanuel, was widely quoted as commenting that politicians "should never let a serious crisis go to waste". What he meant was that certain political and economic conditions provide the opportunity to address problems in ways that would previously have been difficult and implement far-reaching structural reforms to either the economy or political institutions.

The analogy provides an important insight into the nature of political – and specifically parliamentary - change. In many parliaments, bouts of parliamentary reform have been prompted by political and public concern. Most obviously, in the last decade or so, a number of well-established parliaments have created codes of conduct for MPs, which were generally a response to either evidence of corruption or other ethical misdemeanours, and/or public

disquiet about standards in political life. (Although the efficacy of such measures is highly questionable, as is whether the reforms properly addressed the underlying problems or were cosmetic gestures designed to respond to public concern.)

The key point though, is that such events allow supporters of reform to define the problem in a way that builds consensus around certain key changes. This is the central challenge for political strategies for parliamentary reform. Building support for a parliamentary strengthening programme means first convincing MPs and other key parliamentary figures that such measures are needed.

This has to start from current political conditions. There will not always be serious political issues which provide opportunities to define the problem in specific terms. But strategies of parliamentary strengthening should first seek to build a sense of concern around certain aspects of parliament's performance, second, develop a consensus that it is the result of certain specific causes, and third, that specific reforms will alleviate those problems. Discussions with MPs and the analysis of parliamentary performance should highlight what the key areas are. Deciding how to frame them for MPs will draw on the map of institutional power and existing incentive structures.

ii) Co-opting key institutional figures

Chapter two on mapping institutional power focused on the way in which the institution was run – which figures determined the pace and content of parliamentary business, the motivations that underpinned their decisions, and the sources of their influence. These figures will be central to building a coalition for change for two reasons.

First, because they play a significant role in determining how the institution is currently run, their approach is probably contributing to any existing deficiencies. Second, any change to the existing arrangement is likely to affect their power in some way. Both mean that they may be sceptical of reform. But because of their position, their support or opposition will determine the success of a parliamentary programme, and they will need to be part of a political strategy.

The mapping of power will determine which figures need to actively support the parliamentary support programme, which figures simply need to acquiesce (or not object) and which ones are not critical. But it will also indicate some of the problems that need to be addressed, such as sources of patronage and pre-existing client networks. And in that light, it may be that initial ambitions for parliamentary change will need to be tempered by the interests and influence of such figures.

However, there are three subsequent factors that a political strategy will need to take into account.

First, a coalition of support for change should be built around a central figure to provide some leadership and act as a focal point for the support programme within parliament. This may be the Speaker or Secretary General, or the chair of a key committee (such as a rules or procedural committee, a

The Politics of Parliamentary Strengthening
Understanding political incentives and institutional behaviour in parliamentary support strategies

31

'modernisation' committee or 'liaison' committee). Without the explicit support of such a figure, a support programme will always look like the possession of the donor agency rather than the parliament itself. This lead figure should provide political legitimacy and direction for the programme in parliament.

Second, the strategy will need to anticipate sources of potential blocking opposition, especially from senior institutional figures, and take steps to reassure them. For example, those not directly involved will need to be reassured that their power and influence will not be adversely affected by the programme – if anything they need to be convinced that their position will be enhanced.

Third, expanding and developing support will rely on other significant figures within parliament. These will be individuals whose opinion is likely to have an influence on certain constituencies within the parliament. These may be senior long-serving MPs, committee chairs, or senior party figures who will be able to generate support from independent MPs, committee members or MPs in the same party. They will also be important in understanding why pockets of resistance exist and developing ways of swaying them to support change.

iii) Start with the individual rather than the institution

The first stage in building a wider base of support for the programme's objectives is to ensure MPs understand them. The majority of parliamentary support programmes tend to be constructed around the objectives of strengthening parliament's ability to fulfil its core functions of legislation, oversight, financial scrutiny and representation. As strategic objectives these are entirely laudable. However, they are abstract concepts which mean very little to the MPs or staff within the parliament who are often on the receiving end of training in each of these areas. The principal concern of both MPs and staff will be for training or support which helps them to do their job.

Too many programmes start from the assumption that parliamentary strengthening is, self-evidently, a good thing – and therefore will inevitably be supported by MPs. In politics, as in every other profession, individuals are motivated by a range of interests. High among these will be issues of pay and working conditions. It is important to understand that parliamentary change is likely to have an effect on the way in which they are able to do their job. The prospect of change creates uncertainty and is likely to prompt a reaction from every member of parliament. In short, every MP will consider reforms in terms of how they will be personally affected.

Ultimately, the effectiveness of the parliament will be determined by the behaviour of the individuals within it. Therefore programmes need to start with the individual, not the institution. Programmes should define problems in terms of how they affect individual MPs and staff, and address institutional deficiencies through projects that specifically help individuals to do their jobs more effectively. MPs need to be convinced that they will have more influence, a better reputation in the constituency and be better able to get results on behalf of constituents through measures which improve committee oversight, legislative amendment and parliamentary questioning.

In short, politicians need to be convinced that the problem at the heart of the reform programme is a problem for them personally – and that they are likely to benefit from addressing it.

iv) Adapting and aligning incentive structures

Building support amongst a diverse coalition of MPs for the programme rests on how that problem is addressed – depending, as it does, on appealing to several audiences at once. Chapter two illustrated the potential variety of drivers and incentives that parliamentary strengthening programmes will need to take into account. The effect of political, personal and institutional incentive structures will highlight the potential for coalitions of interest to form and shift around particular issues.

Changing behaviour will rely on reforms that encourage MPs to pursue their parliamentary functions. The analysis should provide some indication of the reforms which can align different incentive structures towards a more effective parliament. In other words, finding measures that play to MPs personal or political objectives, but at the same time strengthen the key parliamentary functions. The key is in convincing MPs that certain institutional changes will enable them to achieve their political or personal objectives more effectively.

There are two dimensions to this that can be used in parliamentary programmes. The first, and more obvious, is by providing direct incentives for certain forms of behaviour. So that, for example, changes to committee oversight, legislative process or budget oversight will be more successful if they offer opportunities for public profile, personal reward, office resources, staffing or pursuing policy ambitions.

However, the second dimension is to determine to whom the MP is accountable, and for what? This would mean identifying those individuals and groups select, elect or promote the MP. This may be the party chiefs, constituents or outside interest groups. As Staffan Lindberg has shown in his analysis of MPs in Ghana, this sense of having to account for themselves can be a powerful force in shaping what the MP does in the constituency. It can lead to greater attentiveness to local economic development and an emphasis on delivering tangible goods for individuals, but can also have surprising and more positive responses. Such is the pressure on MPs to deliver help to individuals with hospital bills or school fees In parts of Ghana, that they are starting to develop strategic solutions to these problems - by establishing collective provision health and education within their constituencies.

The downside for parliamentary programmes is that MPs are rarely, if ever held to account for legislative scrutiny or ministerial oversight. Which means relying on incentivising that behaviour. However, there are exceptions, which are picked up in vi), below.

v) Build programmes around packages

It is rare that a parliamentary support programme will seek to tackle only one issue in isolation, but the principle of doing several things at once should be central to any political strategy. This is for four main reasons.

First, attempting to reform one thing at a time is likely to maximise opposition. As mentioned

The Politics of Parliamentary Strengthening
Understanding political incentives and institutional behaviour in parliamentary support strategies

33

previously, every MP will have their own opinion on how parliament should be run, but more significantly, every MP will be affected by change and is likely to have a strong opinion about proposals for reform. One issue will simply provide a focus for all those opposed to change and make building support difficult, if not impossible.

Second, an extensive package of measures should appeal to the broadest range of MPs possible. In short, it needs to maximise winners and minimise the number of losers. Although some MPs may oppose elements of the package, there should be enough in the rest of the measures to secure their overall support.

Third, the process of parliamentary change is one of debate, negotiation and compromise. The original proposals will inevitably be amended and possibly weakened, elements may be lost entirely. Starting with a package of measures provides a greater chance that the key parts of that programme will remain in place, while items at the periphery can afford to be dropped.

Fourth, a package allows greater scope to find ways of aligning incentive structures, by combining measures that offer a personal, political and parliamentary benefit. For example, in the UK in 2001 the Modernisation Committee sought to bring greater consistency and thoroughness to the work of the scrutiny committees by establishing a set of 'core tasks'. The committees had traditionally prized their independence and ability to determine which issues they should examine, but in practice this meant that most committees rarely engaged in financial oversight. The Modernisation

Committee's proposals were met with some initial resistance, but the promise of extra resources, many tied directly to financial scrutiny, meant that the reforms were adopted and now every committee reports annually on the fulfilment of the core tasks.

vi) External pressure v. internal pressure

As mentioned above, certain changes can be brought about where MPs feel they have to account for their behaviour, and in many countries public pressure has been a key factor in forcing politicians to address issues of corruption or misbehaviour. But it can also be used to improve performance in specific areas. For example, during the 2006-10 parliament in Rwanda individual committees were subject to severe criticism for their failure to ensure certain policy areas were sufficiently funded by government - with particular concern about the amounts allocated to gender issues. This criticism came from inside the parliament but also from civil society organisations. The effect was twofold. First it meant that those committees that were criticised became much more assiduous in examining the parts of the budget affecting their policy area. Second, other committees and outside organisations became aware of the influence that they could have on the budget process, and have also improved the quality of their scrutiny.

The example shows how a combination of external and internal pressure can raise the quality of oversight. If Parliament can find other ways to generate public interest in such matters, so that there is wider recognition of Parliament's powers, it is likely to improve the quality of performance in several areas.

Conclusion

The key shift needed in donor thinking is the need to develop an overtly political strategy which informs all parliamentary programming in a particular country. This has four dimensions to it. First, it needs to be based on a detailed understanding of the causes of poor parliamentary performance. Namely, the internal structures of power and the political, personal and institutional incentive structures that are distorting parliamentary practice.

Second, the ultimate purpose of donor support to a parliament should be to improve the quality of legislative scrutiny, government oversight and representation of the public. This means changing the behaviour of MPs within the institution towards those ends. Projects should be anticipating how their projects relate to the dominant incentives, and whether they will encourage new forms of behaviour, or further entrench existing ones.

Third, rather than relying on isolated interventions, the different aspects of a parliamentary programme should be consistent with an overarching strategy designed to achieve certain outcomes. In this context, technical support will still play an integral and important role in parliamentary development. But it is only likely to have a significant effect if it is conceived as part of a wider political strategy designed to change certain patterns of behaviour.

Fourth, the programme of work needs to understand how change happens, and help the parliament to manage that process. The parallels with business change management are useful. Thought of in these terms, a political strategy seeking to embed new patterns of behaviour has to start with the internal politics of the institution and build support amongst MPs for the process of change. Critically, this process has to be owned and driven from inside the institution, by MPs themselves. This requires donor agencies to play a different role, which is the subject of the next chapter.

CHAPTER FOUR

PROGRAMMES BUILT AROUND HOW POLITICAL CHANGE HAPPENS

The Politics of Parliamentary Strengthening
Understanding political incentives and institutional behaviour in parliamentary support strategies

37

At a conference on international support to political parties and parliaments in the early part of 2010, one contributor made a plea to the representative from the US Agency for International Development (USAID) for a different approach to the way that political reform is supported by donor agencies. "What we need", he said, "is less money, and more time."

His intervention sums up many of the challenges for donor-funded work in this area. Meaningful political change is a slow process, and invariably short-term interventions- no matter how well-funded - have limited effect. One of the themes running through this paper is the fact that parliamentary reform is incremental, complex, messy and ultimately political. Yet most traditional parliamentary support still depends on technical interventions, and the assumption of linear progress as a result. They have a tendency to rely on the same methods in different environments and take little account of the political context or the distinct challenges that come with attempts to improve the performance of a parliament, rather than simply enhancing its infrastructure.

The conditions for achieving parliamentary change will vary between institutions, but one US academic describes a convoluted process of evolution which means that parliamentary change is rarely predictable and never fully meets the expectations of any of the interested parties. In other words, such development is

"disjointed in that members incrementally add new institutional mechanisms, without dismantling pre-existing institutions and without rationalising the structure as a whole ... institutional development is an ongoing, open-ended process. The interplay

of coalitions promoting contradictory objectives produces institutions that are tense battlegrounds rather than stable, coherent solutions."

Donor-supported programmes need to work from this understanding that in most parliaments change will be haphazard and unpredictable. That the institutions are rarely amenable to neat designs or detailed reform plans, and that the interests of MPs will wax and wane over time. Adopting a more political approach to parliamentary strengthening not only means that programmes should be informed by a clearer strategy, it also has implications for the way in which they are conceived, designed and delivered. Specifically, it means a different role for donor agencies which is explored at the end of this chapter. However, the chapter first examines three areas where donors might alter their immediate thinking about parliamentary support, relating to procedural reform, the timing of programmes and outcome-driven projects.

1) Rule reform is difficult, often unnecessary and sometimes counter-productive

In many emerging parliaments there is a tendency to want rules-based solutions and more statutory powers. Problems are often defined in terms of the imbalance of power between the Executive and Parliament. The underlying assumption being that with more power, parliament would immediately be more effective. There is again a danger of treating symptoms rather than causes. It may be that additional powers will encourage MPs to use them, but this assumption needs to be treated carefully, for three reasons.

First, rule change is difficult. Although it may seem obvious that certain reforms are needed, these reforms will usually need to be debated and approved in the plenary session. They will also be subject to amendment by MPs. Without a sophisticated political strategy, there is no guarantee that the changes approved by the plenary will bear much relation to those originally proposed. They may even end up enhancing Executive power.

Second, it is often possible to use existing parliamentary procedure. Rules of Procedure or Standing Orders tend to be complex, legalistic documents, which has two effects, a) few MPs will have a detailed understanding of the rules and b) they are almost always open to interpretation. Several parliamentary strengthening programmes have developed shorter handbooks of procedure which become the working documents for a parliament and thereby encourage new forms of behaviour.

Third, not all parliamentary power is statutory. While the legal ability to force ministers to appear before parliament is a useful threat, it is very rarely used. The relationship between Parliament and Executive is conditioned by other factors. At one level, it is like an interpersonal relationship – everyone will encounter arrogant, rude, dismissive people during their working lives. One cannot directly control their behaviour - but how one reacts to it will often determine whether it continues. The same is true of parliamentary committees. A well-organised, efficient parliamentary committee that keeps detailed records of ministerial responses will be regarded more seriously by ministers and civil servants in the relevant department.

This level of organisation has another benefit. With detailed records of government responses to parliamentary questions it is possible to publish lists of the least responsive ministers and ministries. Even in systems where government regards parliament dismissively, no minister wants to be publicly identified as the worst. In several parliaments this tactic is starting to have an effect on the behaviour and responsiveness of all government ministries.

2) Support must be synchronised with the parliamentary cycle

Donor programmes are starting to take account of the electoral cycle in their thinking , however, the specific rhythms of the parliamentary cycle dramatically affect the prospects for meaningful change, and programmes should recognise that MPs' interests will change over the course of a legislative term.

a) Programmes at the start of a new parliament

In many emerging democracies there is a high turnover of MPs at each election, often reflecting voter volatility and the fact that parties are rarely deeply rooted amongst the electorate. At one level they offer the chance to establish new patterns of behaviour and working practises amongst MPs at an early stage. A high level of new MPs may also present the opportunity for significant reform of the institution's structures and procedures, as few MPs will have built up power bases or have a vested interest in maintaining the status quo. On the downside, there is likely to be little common parliamentary culture, meaning that the parliaments rules and procedures (and those responsible for enforcing them) may face significant challenges.

The Politics of Parliamentary Strengthening
Understanding political incentives and institutional behaviour in parliamentary support strategies

39

b) Emerging issues during the first two years

It will take time for MPs to establish ways of working in committee, plenary and in constituency. As these patterns emerge, MPs will encounter difficulties in using parliamentary structures, rules and resources to achieve their objectives. For example, an effective committee depends on its members working towards common objectives regardless of political party. Programmes should seek to build that collegiality between MPs at an early stage by supporting specific enquiries, or sponsoring missions to other countries. The latter option can be particularly useful in parliaments with inter-party tensions, as MPs on the committee are obliged to spend several days with each other both on committee business and socialising, thus breaking down previous barriers and building a common understanding of their role.

c) Securing institutional memory at the end of the parliament

Support programmes frequently see many of their achievements disappear with outgoing MPs at an election. Programmes need to identify and solidify potential sources of institutional memory that bridge the election period. Most obviously this will exist in the parliamentary staff, and the more they can be positioned as the ultimate source of independent and authoritative advice on parliamentary process, the greater the chance of a smooth transition between parliaments.

Other sources of institutional memory will exist within the politicians themselves. For example, committees could be encouraged to draft reports on the activity during that parliamentary term, capturing the committee's activity over the course of the term, but also including their methods of work, enquiry techniques and job descriptions for staff.

In addition, at the end of a parliament MPs not seeking re-election are far more likely to support far-reaching parliamentary reforms, as they will have no vested interest in continuing current practice. These figures may provide useful allies in building momentum for change in the new parliament or putting particular issues onto the parliamentary agenda.

d) Sensing resistance to change

Lyndon Johnson, US President between 1963 and 1968, and widely regarded as one of the wiliest political operators in American politics, suggested that Congress should be treated like a whiskey drinker. In his words, "You can put an awful lot of whiskey into a man if you just let him sip it. But of you try to force the whole bottle down his throat at one time, he'll throw it up."

Similarly, parliamentary programmes need to be sensitive to resistance, as there may be certain points when promoting further reform becomes counter-productive. The point of analysing the institutional dynamics and the incentives that shape behaviour is to understand how 'ripe' particular proposals for reform are. A political strategy for reform needs to be built from the attitudes and expectations of MPs themselves, and respond to issues as they arise.

3) Programmes should be flexible and driven by outcomes rather than process

Critically programmes should maintain a clear

sense of what they are designed to achieve. Too often this obvious point is lost during the lifetime of a project. The initial analysis of a parliament might identify areas where support should effect change (for example, the improvement of financial scrutiny) and the means for delivering this (through the provision of training and support to MPs and staff, additional resources and the creation of a budget support office, etc.). But frequently process and outcomes are conflated, with donors measuring activities (e.g. the number of training sessions, existence of a budget office) instead of the impact they were originally designed to have.

This reflects, partly, a preference for quantitative measurements on the part of donors. It is more difficult to generate quantitative (or qualitative) measures of political change. But it is not impossible. The lack of such measures reflects the fact that donors have not, until recently, paid a great deal of attention to effective monitoring and evaluation in the parliamentary support field. The emphasis on 'impact' may change this. But it is currently hampering the potential effectiveness of parliamentary programmes.

An outcome-driven approach would need a much greater degree of flexibility in the design and delivery of programmes, requiring co-ordinated interventions at different parts of the parliament, designed to achieve the same end. Programmes need to be built around clear objectives, but employ a flexible strategy to achieve those ends. In other words, if the originally planned activities are not having the desired effect, use alternative methods. At present, the opposite appears to be happening – that is, if the activities are not achieving what

was expected, the objectives are altered, but the activities stay the same.

Conclusion: A different role for donors

The approach described here requires a fundamental shift in the way that parliamentary strengthening programmes are designed and delivered. The purpose of understanding how institutional power is used and the incentive structures that shape parliamentary behaviour, is to develop a political strategy for improving performance. The analysis should provide a good indication of the factors that need to be addressed, and the issues around which parliamentary support can be built.

This has significant implications for donor-funded projects. First, donor interventions must be informed by a detailed understanding of the internal politics of the institution with which they are working – the drivers and incentives that shape behaviour. Second, programmes must be built around a political strategy – that is an understanding of how change happens, and their role in that process of change. Third, programmes should be always be clear that institutional or structural change matters when it changes political behaviour. Support programmes should be using their understanding of incentive structures to remove the distortions in parliamentary practice and encourage parliamentary oversight and scrutiny.

There may still be donor wariness about such an approach. It requires donor-funded projects to engage at a much deeper level with the operation of parliament and the process of change. To some, it may look like donor interference or manipulation. But, the point is

The Politics of Parliamentary Strengthening
Understanding political incentives and institutional behaviour in parliamentary support strategies

41

that a political strategy starts and ends with MPs themselves. If anything, such an approach should mean that donors spend less time telling parliaments what to do, and more time listening. The shift in mindset means that parliamentary support work should be seen less as a process of implementation, and more akin to consultancy – helping the parliament to define both the problems and their own solutions.

Successful parliamentary strengthening needs to work with the grain of political opinion in a parliament, and it needs to distinguish between the 'politics' of the institution, and the 'Politics' of the state, if it is to generate momentum. Ultimately, the pace of change cannot be determined from the outside by donors, it needs to emerge from within the parliament. . If donors are genuine in their desire for greater impact it will mean that they take greater responsibility for the results of their interventions, but ultimately exercise less control over how reform is enacted

CONCLUSION
KEY PRINCIPLES FOR PARLIAMENTARY SUPPORT

The Politics of Parliamentary Strengthening
Understanding political incentives and institutional behaviour in parliamentary support strategies

43

This paper started by recognising that the approach of donor agencies in supporting parliamentary development, and good governance more generally, is changing. There is almost universal agreement that international support should concentrate more on results. Donors are therefore employing increasingly sophisticated analytical tools to understand the political factors which determine the quality of governance. Yet, they are struggling to find ways of translating these insights into effective parliamentary support programmes, and too frequently rely on rudimentary techniques which fail to engage with any of the drivers of change.

In previous chapters it was suggested that parliamentary support needs to draw on a more detailed analysis of how parliamentary institutions are run and the incentives that shape the behaviour of individual MPs. This analysis should then form the basis of a political strategy for parliamentary support which actively engages with the process of change, working with MPs to identify and frame the key issues, and build support for reform within parliament.

This sort of analysis will make parliaments easier to understand, but no less difficult to predict. There needs to be a greater realism on the part of donors about what is achievable and over what time frame. Political change is messy and haphazard. Donors need to employ more flexible strategies built around outcomes instead of processes – concentrating less on implementation, and more on supporting MPs engaged in change.

Programmes should be guided by five core principles:

i) Understand what the institution looks like through the eyes of those in power.

Identifying the key institutional figures, their role in running the institution and the sources of their authority, will provide a perspective not only on the causes of parliamentary underperformance, but also the prospects for realistic reform.

ii) Identify the factors causing MPs to behave the way that they do.

Parliaments are diverse collections of individuals with a variety of interests who coalesce around issues as they arise. Programmes need to understand the impact of political, personal and institutional incentive structures on MP behaviour, and then seek to alter them.

iii) Parliament needs a common understanding of the problem

Change will only happen if a majority of MPs believe it is necessary and desirable. The success of parliamentary support programmes therefore depends on the extent to which they are regarded as the solution to a commonly-accepted problem.

iv) Parliamentary development should be framed in personal terms

Too many programmes are built around institutions rather than individuals. This needs to be turned on its head. Programmes should define institutional deficiencies in terms of how they affect individual MPs and staff, and develop programmes which address them by helping individuals to do their jobs more effectively.

v) Programmes must establish responsibility within parliament

The success of parliamentary support must be measured by how far it changes political behaviour, and not the structure of the institution. This sort of change has to be owned by MPs themselves. Programmes should provide the incentives for MPs to own and drive that process of change.

Adopting this sort of strategy has potentially huge implications for donors. Strategies will need to adapt to political conditions, place pressure where needed, but always work with the grain of political opinion. However, such political change has to be owned and driven by MPs themselves. As stated at the end of the previous chapter, if donors are genuine in their desire for greater impact it will mean that they take greater responsibility for the results of their interventions, but ultimately exercise less control over how reform is enacted.

The Politics of Parliamentary Strengthening
Understanding political incentives and institutional behaviour in parliamentary support strategies

45

Footnotes

[1] Hudson, A., and Wren, C., (2007), Parliamentary Strengthening in Developing Countries, ODI

[2] Polsby, N., (1968), 'The Institutionalisation of the House of Representatives', American Political Science Review, Vol. 62., No.1, p. 167

[3] This phrase is lifted from Adrian Leftwich in, (2007), Drivers of Change: Refining the Analytical Framework, www.gsdrc.org/docs/open/DOC103.pdf

[4] This case study draws heavily on the work of Staffan Lindberg – specifically, Lindberg, S. with Zhou, Y, 'Co-option Despite Democratisation in Ghana' in Barkan, J. (ed) (2009), Legislative Power in Emerging African Democracies, Rienner: London; Lindberg, S, (2009), Member of Parliament of Ghana: A hybrid institution with mixed effects, Africa Power & Politics Working Paper 2, ODI: London; Lindberg, S., (2009), 'What accountability pressures do MPs in Africa face and how do they respond? Evidence from Ghana', Journal of Modern African Studies, No. 48, Vol. 1, pp 117-142; Lindberg, S., (2003) "Its our time to 'chop': Do elections in Africa feed neo-patrimonialism rather than counteract it?", Democratisation, Vol. 10, No. 2, pp 121-140

[5] See Lindberg, S. with Zhou, Y, pp. 166-173

[6] See Barkan, J., & Matiangi, F., 'Kenya's Tortuous Path to Successful legislative Development', In Barkan, J., op cit., for a fuller description of the process of reform in Kenya

[7] ibid., pp. 57-9

[8] See Hyden, p.10

[9] For a fuller exploration of these sorts of incentive structures in post-conflict environments see Dutta, N, et al, (no date), Strengthening Legislatures for Conflict Management in Fragile States, Woodrow Wilson School of Public and International Affairs

[10] Sherlock, S., (2003), Struggling to Change: The Indonesian Parliament in a era of Reformasi, CDI, pp. 19-21; Sherlock, S., (2007), The Indonesian Parliament after Two Elections: What has really changed?, CDI Policy Papers 2007/1, pp.45-6

[11] Lewis, P., (2009), 'Rules and Rents in Nigeria's National Assembly', in Barkan, J., op cit., p. 178

[12] ibid., pp., 195, 199, 200-2

[13] Strengthening Parliaments in Africa: Improving Support, p.44

[14] See for example, Power., G. (2007), 'The Politics of Parliamentary Reform: Lessons from the House of Commons 2001-5', Parliamentary Affairs, Vol. 60, No. 3; Barkan, J., op cit, 'Conclusion'

[15] See, for example, Kotter, J., Leading Change, Heifetz, R., Leadership Without Easy Answers, Harvard Business School, (2002), Harvard Business Review on Culture and Change, Cameron, K., & Quinn, R., Diagnosing and Changing Organisational Culture

[16] Lindberg, (S., 2009), 'What accountability pressures do MPs in Africa face and how do they respond? Evidence from Ghana', Journal of Modern African Studies, No. 48, Vol. 1, p. 137

[17] Power, G., (2009), The Rwandan Parliament's Self Assessment Exercise: Insights and Issues, IPU, p 6

[18] ibid, pp. 17-8

[19] See http://aceproject.org/ace-en/focus/focus-on-effective-electoral-assistance/the-electoral-cycle-approach

[20] Quoted in Heifetz, R., (1994) op cit. pp 245-6