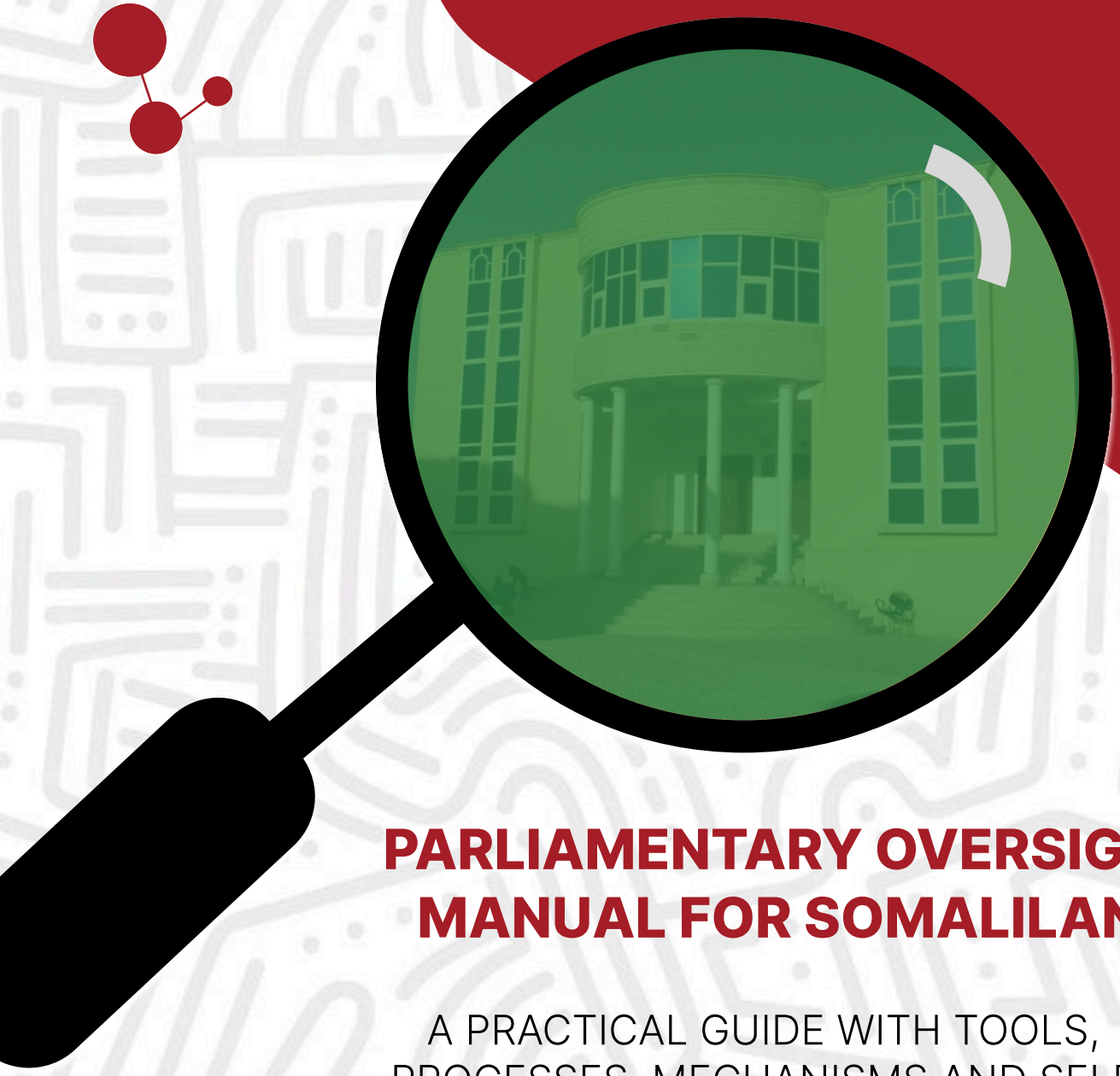
MZALENDO



PARLIAMENTARY OVERSIGHT MANUAL FOR SOMALILAND

A PRACTICAL GUIDE WITH TOOLS, PROCESSES, MECHANISMS AND SELF - ASSESSMENT KITS

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FOREWORD

Mzalendo Trust is geared to celebrate its 20th anniversary this year. As a team, we are proud of the achievements we have been able to realize; engaging in parliaments to enhance responsiveness and reforms, working with civil societies to advocate and catalyze change, and walking with citizens to enhance their awareness and participation. In this breath, we are excited to contribute as a premier Parliamentary Monitoring Organization (PMOs) in the region, sharing our experiences and insights.

To be precise, through support of the European Union (EU) and in collaboration with the Netherlands Institute of Multiparty Democracy (NIMD), we are an implementing partner in the Dawlad Kaab Project (DKP) aimed at enhancing stability through promoting inclusive, transparent, accountable, and peaceful processes within key democratic institutions in Somaliland, including Parliament and CSOs.

The project seeks to enable knowledge sharing through peer learning between Mzalendo Trust, Somaliland Parliament and the Institute of Strategic Insights and Research (ISIR), among others, in view of enhancing parliamentary openness through transparency, accountability and public participation in parliamentary work.

In the project, we have been utilizing our knowledge and experience in the national, and regional parliamentary monitoring space under the Africa Parliamentary Monitoring Organizations Network (APMON), to enhance the capacity of Somaliland Parliament as well as upcoming PMOs to efficiently conduct oversight and scrutiny over Parliament and Executive offices, whilst promoting public debate and participation, reporting on the general accessibility of Parliament.

The development of this manual thus serves as a critical resource tool for Parliamentary Committees, PMOs and Somaliland Citizens, that guides and offers practical tools in monitoring, engaging and enhancing oversight responsibilities. The manual further serves as a reference component that enables understanding and retention of knowledge acquired during capacity enhancement sessions.

As we move forward with the implementation of the grant, I wish to extend my appreciation to all the partners, colleagues and parties that have been instrumental in the process of development of this manual; such efforts and commitment are a testament of zeal towards furthering accountability, inclusion and openness in the region, as core tenets of good governance.

Caroline Gaita,
Executive Director, Mzalendo Trust

ABOUT THE MANUAL

The Manual has been developed as a guide, with practical tools to enable aid Parliamentary Committees and Parliamentary Monitoring Organizations to efficiently conduct oversight mandate.

Chapter One serves as an introduction to the work that Parliaments do. It highlights their evolution, purposes they serve as institutions of governance. Chapter Two focuses on the oversight responsibilities of Somaliland's Parliament. It highlights crucial oversight structures, functions and avenues for Somaliland Parliamentary Houses to play.

Chapter Three highlights oversight baseline tools and mechanisms to enable working, efficient and effective parliamentary democracy. Chapter Four provides various measures and sources of information citizens can utilize to effectively interact, scrutinize and engage in oversighting over parliament's activities.

Chapter Five proposes an array of self-assessment questions grouped into six sections that follow recommendations of Global Parliamentary Report (GPR) 2017.

Duly, the manual is a crucial reference tool for Somaliland Parliamentary Committees and Civil Society actors to use in oversight work, to advance transparency and accountability of Parliaments.

ACKNOWLEDGEMENTS

We thank the Executive Director, Caroline Gaita, for her leadership in executing this project; the Programs and Communications Teams consisting of Edward Kakumu, Gitungo Wamere, Loise Mwakamba, Fredrick Ajok and Loiser Osoro for their dedicated contributions in putting together this document.

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Finally, we thank Philip Gichana for researching, writing and editing this report.

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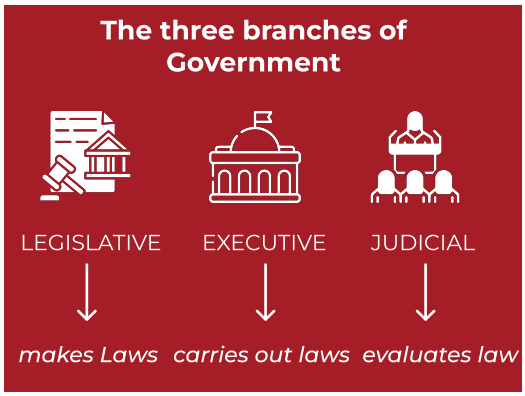
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CHAPTER ONE: Introduction

In modern democratic systems there are three Branches of Government:

- Legislative branch that makes laws; consists of **"representatives"**
- Executive branch that enforces laws; consists of a **"head of state and/or governments"** and respective **"agencies".**
- Judicial branch that interprets laws; consists of all levels of **"courts".**



It is important to note that mandates of legislative, executive and judicial branches are interconnected.

1.1 Origins of Legislature

Among the earliest recognised formal legislatures is Ecclesiain Athens. It was an assembly open to all male citizens as soon as they qualified for citizenship. In 594 BC, all Athenian citizens were allowed to participate, regardless of class. In the Middle Ages, European monarchs developed assemblies of nobility, predecessors of modern legislatures.

In Roman history, the Roman Republic was a period between 509 BCE to 27 BCE characterized by a system of government with elected officials, including Consuls, and a powerful Senate[1]. The Senate was initially composed of patricians (members of the elite families) who held high office and later expanded to include plebeians (commoners). The oldest surviving legislature building is the Althing in Iceland, founded in 930 CE[2].

According to John Maddicott in his article "Magna Carta and the Origins of Parliament[1]", he states that "we can trace (legislative) institutions back to the Anglo-Saxon period, way before the 1230's, when the word Parliament first appears in a political context." Early assemblies initially and most frequently were termed as "councils" or "great councils". He noted that the Magna Carta contributed to origins of modern-day Parliaments.

The Magna Carta Charter created conditions for establishing the first English Parliament which convened in 1215, where rights of barons (wealthy landowners) to serve as consultants to the king on governmental matters. These barons were not elected, but rather selected and appointed by the king. The great council was first referred to as “Parliament” in 1236[1].

1.2 What are Legislatures?

“Legislatures” or **“Parliaments”** are terms often used interchangeably.

A legislature is an officially elected assembly formed to make laws for a political unit such as a nation, a state or a local government. It is a deliberative body of persons, usually elective, who are empowered to make, change, or repeal the laws of a country or state. Legislatures are often contrasted with the executive and judicial powers of government. They can be made up of one or more houses and are usually presided over by a **“Speaker”**.

Parliaments have four key responsibilities: Law Making, Representation, Oversight of Government and Budget Making. The central role involves making laws relevant to the people who elected them, through regular consultations, and by oversighting implementation bodies to ensure compliance. Other roles include confirming appointments, ratifying treaties, investigating the executive, and addressing constituents’ grievances.

The institution is immensely significant as it is the body that directly deals with matters of national importance, making decisions either through majority vote or consensus; thus, being a powerful and authoritative institution. The institution is also an essential building block in a democratic structure that serves as a way to represent the views of its citizens to the executive. This ensures that government policy and legislation remain relevant to the needs of its people, and holds them in capable hands, which benefit the society at large.

[1] https://acoup.blog/2023/09/22/collections-how-to-roman-republic-part-iv-the-senate/#:~:text=2,reasonable%20set%20of%20life%20expectancies
[1] Hague Rod, Political Science: A Comparative Introduction, (14 October 2017), pp. 128–130
[1] https://www.history.org.uk/files/download/15512/1430317558/John_Maddicott.pdf
[1] https://www.history.com/articles/british-parliament

1.3 Parliamentary Democracy

The history of parliamentary democracy is rich and varied, evolving over centuries. Key milestones include early beginnings in 1188 when the King of Leone Alfonso IX convened Cortes of León, considered one of the earliest examples of parliamentary system in Europe. During the medieval period, different forms of councils emerged in Europe.

During the Dutch Revolt against Spanish rule in the 16th Century, States General of the Netherlands was formed. The States General assumed the sovereign, legislative, and executive powers from the monarch. The Kingdom of England advanced the modern idea of parliamentary democracy, especially following the Glorious Revolution in 1688. As a result of this incident, legislative authority was strengthened, and a constitutional monarchy was established.

Many of Britain's former colonies, such as Canada, Australia, and India, followed the British model of parliamentary democracy. These nations helped parliamentary democracy grow throughout the world by customizing the system to fit their unique circumstances. Parliamentary democracy is currently a prevalent system of governance in many regions of the world, including sections of Africa, Asia, Oceania, and Europe. It keeps changing, according to the latest developments in politics, society, and technology.

1.4 Forms of Parliamentary Democracy

Parliamentary Democracy comes in various forms, each with its own unique characteristics:

- **Westminster Parliamentary System** – originated from United Kingdom and is characterized by a clear distinction between Head of State and Head of Government.
- **Bicameral Parliamentary System –** includes two houses, usually the upper and lower house. The two houses have different roles and powers. Examples of countries that use this form include Kenya, Australia and the United Kingdom.
- **Unicameral Parliamentary System –** has only one legislative house. Examples of countries with this system include Finland and New Zealand.
- **Federal Parliamentary System –** has several tiers of Government and blends federalism and parliamentary democracy. Examples of countries that use this form include Canada and Germany.
- **Semi-Parliamentary System –** a hybrid system where executive power is divided between a President and a Prime Minister. In this form of Parliament, the President may have great powers, but the Prime Minister and Cabinet are answerable to Parliament. Examples of countries that use this form include France and Portugal.

1.5 Key Responsibilities of Parliaments

Parliaments play a crucial role in the governance of a country. Here are the key mandates, functions, and roles of Parliaments:

1.5.1 **Mandates:**



LEGISLATION

Parliaments are responsible for making, amending, and repealing laws.
This is their core function and involves debating and voting
on proposed legislation.



REPRESENTATION

Parliaments represent the electorate, ensuring that the interests and concerns of the public are considered in the legislative process.



OVERSIGHT

Parliaments monitor and scrutinize the actions of the executive branch, holding it accountable for its policies and administration.

1.5.2 **Functions:**



Law-Making

Drafting, debating, and passing laws that govern the country.



Policy Development

Contributing to the development of national policies through debates, discussions, and committee work.



Constituency Work

Addressing the concerns and issues of constituents, providing a link between the government and the public.



Government Oversight.

Questioning government officials, conducting inquiries, reviewing policies and programs to ensure transparency and accountability.



Budget Approval

Reviewing and approving the national budget, ensuring that public funds are allocated and spent appropriately.

1.5.1 **Roles:**



1.6 **Conclusion**

This chapter serves as an introduction to the work that Legislatures or Parliaments do. It highlights their inception and evolution, purposes they serve as institutions of governance, and the critical responsibilities they play. In the next chapter, we shall focus on the oversight responsibilities of Parliament with keen correlation with Somaliland's Legislature.

CHAPTER TWO:
Somaliland Parliament Oversight Mandate

2.1 Introduction to Parliamentary Oversight

In both long-established and new democracies, the parliament is given the power to oversee the government through a number of tools and mechanisms. Typically, these tools and mechanisms are outlined in the constitution and other regulatory texts such as the parliament's internal procedures. The specifics of how a parliament can utilise its oversight prerogative depends upon the existence of a legal framework, which consolidates the position of the parliament as an oversight institution and guarantees its powers and independence within the political system.

Thus, while reforming the structure of the political system to increase a parliament's constitutionally given oversight capacities may not always be feasible, in some instances, parliaments can improve their oversight capacities by reforming their own rules. For example, a good practice for committee systems is to assign a single committee to each government ministry. The parliamentary budget permitting, such reforms are usually within the powers of the parliament to implement[1].

Parliamentarians conduct oversight in order to:

- ***Ensure transparency and openness of executive activities.*** – Parliaments shed light on the operations of government by providing a public arena in which the policies and actions of government are debated, scrutinised, and subjected to public opinion.
- ***Hold the executive branch accountable.*** – Parliamentary oversight scrutinises whether the government s policies have been implemented and whether they are having the desired impact;
- ***Provide financial accountability.*** – Parliaments approve and scrutinise government spending by highlighting waste within publicly funded services. Their aim is to improve the economy, efficiency and effectiveness of government expenditure;

- ***Uphold the rule of law.*** – Parliament should protect the rights of citizens by monitoring policies and examining potential abuses of power, arbitrary behaviour, and illegal or unconstitutional conduct by government.

2.2 Review of Somaliland Parliamentary History

While carrying out the function of oversight is different in various countries, it is imperative to understand how different legislatures are designed.

The first parliament of independent Somaliland was elected in early 1960 in its first general election under the first constitution of Somaliland. That first unicameral parliament was constitutionally named the Legislative Council. It was composed of 33 members and in its short period of time functioned as the legislature in a parliamentary system of government.[1]
According to the first constitution of Somaliland (1960), this parliament had a three-year term in office, unless it was dissolved due to failure to form a government headed by a Prime Minister and composed of Ministers who were also Members of Parliament.[2]

In its reasserted independence in May 1991, the Republic of Somaliland has since introduced a Parliament composed of two Houses and an executive branch of government headed by a directly elected President. The 1993 Somaliland National Charter, the 1997 Interim Constitution of the Republic of Somaliland, and its current Constitution as adopted in May 2001 have all established a bi-cameral legislature along with an executive branch of government headed by a directly elected President. They all reflect a clear departure from the parliamentary system and unicameral legislature established under the 1960 Constitution at Somaliland s independence.

Under Article 9 of the 1993 Somaliland National Charter, the Somaliland Parliament had two Houses – the Council of Elders and the Constituent Assembly – who's Members were indirectly elected and each of the houses was composed of 75 members.[1] If appointed as Ministers, the appointed Members automatically vacated their seats in Parliament.[2] The 1997 Interim Constitution and the current Constitution formally established a bicameral legislature with equal number of members (82 members in each House) elected for a five-year and six-year term in office to the House of Representatives and the House of the Elders respectively.

Under the current Constitution, direct elections for the House of Representatives were held in 2005 and in 2021, while, even though constitutionally prescribed,9 elections have never been held for the House of Elders. Both Houses of the Parliament have legislative competence, although most of the laws are initiated at the House of Representatives.

2.3 Somaliland Parliamentary Oversight Structure

According to Article 53 of the current Constitution, some of the oversight powers and duties of the House of Representatives include;

- All appointments of Ministers, Deputy Ministers or Heads of the organs of the state shall be subject to confirmation by the House of Representatives in accordance with the Constitution.
- The House of Representatives shall also have power to debate, comment on, refer back with reasons or approve the programme of the Government.
- The House of Representatives shall ratify governmental (international) agreements (treaties) such as political, economic and security agreements or those agreements which impose new financial burdens which have not been covered in the Budget, or which will involve the promulgation or amendment of legislation.
- The House of Representatives shall submit to the Council of Government (Cabinet) advice and recommendations about the direction of the general political situation.
- The Council of Government (the Cabinet) shall seek the approval of both Houses (the House of Representatives and the House of Elders) for the imposition of a state of emergency in either the whole of the country or parts of it.
- The House of Representatives shall have the power to summon the Government or its organs or agencies to question them about the fulfilment of their responsibilities.
- The Committees of the House of Representatives shall have the power to question Ministers, Heads of the state organs or agencies or other senior national officers, whose duties are relevant to them, about the performance of their duties

Similarly, under Article 54, may debate and amend the Budget, approve any expenditure which was not included in the Budget and review and debate budgets and annual reports submitted by state agencies and the Auditor General.

On the other hand, the House of Elders vide Article 61 of the Constitution can exercise oversight in a number of ways including;

- With the exception of financial legislation, the review of any legislation approved by the House of Representatives.
- Advice on the shortcomings of the administration of the Government and the presentation of such advice to the House of Representatives.
- Assistance to the Government in matters relating to religion, security, defence, traditions (culture), economy and society, whilst consulting the traditional heads of the communities.
- The summoning of the members of the Government and putting questions to them about the fulfilment of their duties.
- The House of Elders shall also have the power to put to the House of Representatives proposals for projects so that the House of Representatives can debate and reach resolutions thereof.

2.4 Conclusion

This chapter focuses on the oversight responsibilities of Somaliland's Legislature. It assesses and highlights the institution's structure, towards conducting oversight functions, and provides avenues that both Somaliland Parliamentary Houses can play similar, different and complementary roles. The next Chapter elaborates on various tools and mechanisms that can be utilized in Parliamentary Oversight.

[1] See Article 18 of the 1960 first Somaliland Constitution
[2] See Article 38(2) of the 1960 first Somaliland Constitution
[3] Articles 9, 10 & 11 of the 1993 National Charter
[4] Article 9(2) of the National Charter
[5] Articles 63, 65, 84 & 86 of the 1997 Interim Constitution and Article 60 of the 2000 Constitution

CHAPTER THREE:
Tools and Mechanisms for Parliamentary Oversight

3.1 Introduction

Parliaments depending on their Constitutional setup up have various tools and mechanisms at their disposal for conducting oversight. The most common tools include hearings, questions to ministers (oral and written), committees of inquiry, and votes of no confidence. Other tools include mechanisms related to budgetary oversight and the possibility for the parliament to establish ad-hoc committees or an ombudsman s office. They can be divided into tools and mechanisms for political control and tools and mechanisms for financial scrutiny. The tools are discussed in detail below.

3.2 Tools and Mechanisms for Legislative Scrutiny

3.2.1 *Public Hearings:*

Parliamentary hearings can be conducted either in plenary or committee meetings. They are a primary tool of parliaments for obtaining information related to specific policies or issues. Nearly all parliaments conduct hearings albeit in different formats depending on rules and procedures establishing the respective Parliaments. They provide an opportunity for individuals and groups of citizens to contribute written and oral evidence. Committee hearings are typically held on the parliamentary premises, and in many parliaments can also be held outside parliament[1].

In principle, hearings should be open to the public, and any exceptions to this rule such as a valid need to hear confidential evidence should be clearly defined in parliament's rules of procedure. Committee hearings are increasingly being broadcast, for example through the parliamentary website. Most parliaments have established clear rules and procedures on the planning and organization of hearings, covering matters such as notice of hearings, the preparation, approval and distribution of agenda, quorum, chairing, recording and voting.



3.2.2 *Committee Decision-Making and Reports:*

It is important that the results of committee hearings are properly documented ideally published as a transcript and that the committee's decisions, findings, recommendations and other conclusions resulting from the hearing are made public. Parliamentary staff support the organization of committee hearings, including by analysing evidence from sources.



Committee hearings are also typically preferred as they facilitate the expedited consideration of various issues, address matters involving complex and nuanced issues through specialized committees and offer a bipartisan forum for the thorough deliberation of issues by Members of Parliament.

Some of the key indicators to note while assessing the efficacy of hearings as a tool for parliamentary oversight include;



Existence of a legal framework relating to Committee hearings.



Committee reports on hearings.



Provisions of Parliament's rules of procedure relating to the planning and organization of committee hearings, covering matters such as notice of hearings, the preparation, approval and distribution of the agenda, quorum, chairing, recording and voting.

3.3 Tools and Mechanisms for Political Control

3.3.1 ***Public Appointment Vetting:***

Vetting is the process of thoroughly investigating an individual, company, or other entity before deciding to go forward with a Public Appointment. A background review is an example of a vetting process for a potential employee. Once the vetting process is concluded, a well-informed hiring decision can be made.

During public appointment processes, parliamentary approval is required. Public appointments are generally made by the Executive, to delegate responsibility. There are established processes to ensure pre-appointment scrutiny of candidates to determine their eligibility to serve in public office. Parliament's role is confined to pre-appointment hearings where a select committee is tasked with, relaying scrutiny procedures, collecting public determining questions, conducting interviews, and producing a pre-appointments report[1].



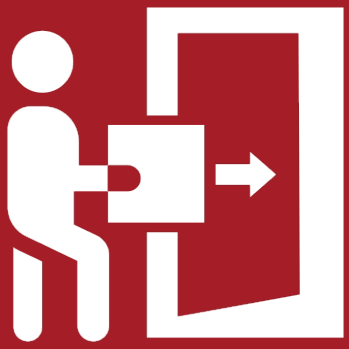
3.3.2 ***Vote of No Confidence:***



This dimension concerns three key parliamentary powers relating to the election and dismissal of the executive, namely: to elect a Head of State/ Government, to hold a vote of confidence in the Executive, to censure or impeach a Head of State/Government and/or ministers. This type of mandate is normally codified in the Constitution and further developed in laws and in parliament's rules of procedure.

These are generally motions presented by parliamentarians that results in either the withdrawal or the confirmation of the Parliament's confidence in the government or one of its ministers. When a parliament withdraws its confidence in the government, the cabinet usually resigns or seeks a parliamentary dissolution. These motions can vary ranging from the senior most Executive member i.e. the President or Deputy, Ministers and other state officers. In some countries, withdrawals of confidence lead to a process in which the head of state either calls for the resignation of the government or the dissolution of the parliament.

Where the rules allow for a parliament to withdraw its confidence in a single minister, that individual typically resigns. There are numerous variations to procedures governing votes of no confidence[1].



[1] Parliament of Kenya National Assembly, Factsheet No. 7: The Committee System of the National Assembly < FS07 Committee System of the National Assembly.pdf> pg. 5
[1] Cabinet Office Guidance: pre-appointment scrutiny by House of Commons select committees, Gov.uk, retrieved 22 February 2022, www.gov.uk/government/publications/pre-appointment-scrutiny-by-house-of-commons-select-committees

3.3.3 *Censure Motions:*

A censure motion is a statement of extreme disapproval against a public official for their conduct or performance. Unlike an impeachment motion, a censure motion has no immediate threat or reprimand of the public official against whom the censure motion has been tabled. The motion allows Parliament to look into the issues raised, interrogate them and have Parliamentarians express their opinions on the conduct against which the censure motion has been tabled.[1] The main difference between a censure motion and an impeachment motion is that an impeachment motion has immediate consequences against the official under the threat of the motion as it is a formal process to remove a high-ranking public official from office.

Censure motions are integral accountability tools used in the United Kingdom, mainly stemming from the House of Commons as strong political statements against individual public officials or even policies. They are debated in the House of Commons, and in as much as they differ with impeachment motions and do not directly oust a public official, they still trigger resignations or policy changes and hence strong accountability tools.[1]



3.3.4 *Impeachment Motions:*

The impeachment process is a mechanism through which high-ranking officials in government are removed from office based on violations of grounds that are anchored in law. Impeachment motions therefore are motions that are often tabled in Parliament to kickstart the process of inquest into the conduct of a high-ranking official, to remove them from office. It serves as an accountability tool that is used to hold government officers accountable for violations of the law and abuse of power[1]. It is also recognised and anchored in law in Somaliland[2]. Given its grave implications, it is a legislative process that usually involves securing a considerable number of votes in one or more chambers of the legislature.

In Kenya for example, the impeachment process is prescribed in the Constitution of Kenya 2010 and is a motion that requires the support of at least one-third of all members to initiate it against the Presidency, and it must be grounded in law.

The Constitution of Kenya impanels that an impeachment motion must be based on grounds of gross constitutional violations, serious crimes, or gross misconduct. If the motion secures the backing of at least two-thirds of the National Assembly, it proceeds to the Senate, where a special committee of eleven members may be formed to investigate the charges. If the committee finds the allegations substantiated, the Senate votes on the impeachment, and if at least two-thirds of all its members uphold any charge, the President ceases to hold office[1].



Some of the key indicators to note while assessing the efficacy of votes of no confidence as tools for parliamentary oversight include;

- *Constitutional provisions and/or other aspects of the legal framework relating to the procedures for electing the Head of State/Government, for holding a vote of confidence in the Executive, and for censuring or impeaching the Head of State/Government and/or ministers.*
- *The existence or absence of parliamentary rules of procedure relating to the procedures for electing the Head of State/Government, for holding a vote of confidence in the executive, and for censuring or impeaching the Head of State/Government and/or ministers.*
- *Decisions by parliament or its committees relating to confidence or no confidence in the executive, and to the censure or impeachment of the Head of State/ Government and/or ministers.*

3.3.5 ***Questions:***

Parliamentary questions can be both oral and written. They are a fundamental oversight tool in most parliaments as Members of parliament (MPs) keep check on the government using this tool by asking public officials to provide explanations for the government s position on any matter of public interest. A key feature is the formal requirement in many countries for government to publicly respond to these questions, including on government shortcomings, which can make an important contribution to democratic accountability. Questions can also be used as oversight tools for financial scrutiny.

Oral questions allow MPs to publicly address representatives of the Executive with regard to politically acute topics. They can take different forms depending with the Constitution and rules where some have dedicated sessions for oral questions, known as question time , prime minister s hour or ministers hour . During these sessions, MPs should also be allowed to ask supplementary questions where the initial response is incomplete or in order to seek clarification[1].

On the other hand, written questions are a useful tool for gathering detailed information that may not otherwise be readily available. Parliamentary rules of procedure should provide guidance on submitting written questions, as well as deadlines for providing answers and possible sanctions for breaching the obligation to respond[1].



Questions are currently being used in Kenya after Cabinet Secretaries (Ministers) were allowed on the floor of the House (both National Assembly and Senate) to respond to issues and questions raised by Members of Parliament, on the policies and implementation of projects in their different Ministries[2].

[1] Article 145, Constitution of Kenya, 2010.
[2]Overview-of-parliamentary-oversight-tools-and-mechanisms-2022-final, TI Kenya.

Some of the key indicators to note while assessing the efficacy of votes of no confidence as tools for parliamentary oversight include;

- ☑ *A Legal framework authorizing MPs to submit oral and written questions to the Executive and requiring the executive to respond to such questions.*
- ☑ *Parliamentary Rules of procedure providing for dedicated sessions for oral questions, establishing the timeline for responding to written questions, and laying down sanctions for breaching the obligation to respond.*
- ☑ *The allocation of time that parliament devotes to oral questions versus other oversight activities*
- ☑ *Reports on responses to MPs questions by representatives of the executive*
- ☑ *Evidence from the parliamentary records.*

3.3.6 ***Summons:***

As an oversight tool summons refer to the power held constitutionally or coded in the Rules and Guidelines to summon government officials or to produce documents in plenary and committees. This is an important tool for parliament when seeking information to fulfil oversight goals. Summons can be useful for parliaments as they enable parliamentarians to scrutinise even confidential documents or to call officials to provide information in the aftermath of corruption scandals. For instance, an anonymous contributor from Kenya noted in the 2017 Global Parliamentary Report that almost every corruption scandal reported in the news usually resulted in the implicated officials being summoned to account before legislators, thereby demonstrating the political benefits of summons[1].

In other jurisdictions, summons are commonly known as interpellations. Interpellation is a powerful tool that enables parliament and MPs to publicly express their opinions and conduct effective oversight. Interpellations are usually written requests for information from the executive by a group of MPs or a political group, with the intention of launching a debate.

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[1] Ibid
[1] Cabinet Secretaries to appear before the House after change of rules | The Kenyan Parliament Website as accessed on 15th March 2025
[1] Global Parliamentary Report 2017 Parliamentary oversight: Parliament's power to hold government to account, pg. 92
[1] Indicators for Democratic Parliaments, pg. 11

After a motion on interpellation has been submitted, representatives of the executive are required to respond to the request or question in person in the plenary. Interpellations almost always address matters of national importance[1].



Summons can be effective if the legal framework establishes clear procedures for summoning representatives of the executive in plenary, including the initiation of the summons, the associated time frame, and guaranteed speaking time for the opposition or minority sides.

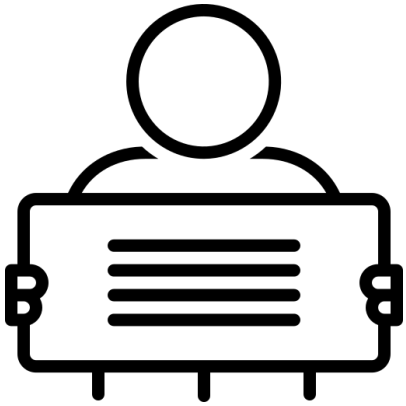
Some of the key indicators to note while assessing the efficacy of votes of no confidence as tools for parliamentary oversight include;

- ☑ *Provisions of the constitution and/or other aspects of the legal framework on the summoning of representatives of the executive to appear in the plenary.*
- ☑ *The percentage of plenary time that parliament devotes to interpellations versus other activities.*
- ☑ *Examples of motions on the initiation of summons successfully effected.*
- ☑ *The number of times Cabinet members/state officials who appeared in the plenary during the year for interpellation or summons.*

3.3.7 ***Statements:***

Statements are used to either bring to attention and instigate investigations or scrutiny into action, especially an action by the executive when they are statements issued by Members of Parliament on the floor of the House, or they can be used by the executive through the various ministries and ministers to respond to governance issues brought to their attention.[1] In the case of ministerial statements, Members of Parliament can further inquire into the statements, and seek more clarification or explanations. Statements can also be used as oversight tools for financial scrutiny.

In the Parliament in Australia,[1] statements are crucial oversight and accountability tools as they provide a platform for MPs to question and influence policy decisions and also allow the government through its ministers to provide clarity and justify their policy positions and decisions.



Statements in the Parliament of Australia can be:

- *Personal statements where MPs issue statements mostly affect their constituents or highlight government failures or policy concerns that affect them or their constituents.*
- *Ministerial statements where Ministers deliver the statements in Parliament to announce, explain or justify a policy position and their implications[1].*
- *Urgent statements where, through the Speaker's approval, immediate responses from the government are sought on an issue of great public concern.*
- *Prime Minister s statement where the Prime Minister delivers a statement on major national issues and space is given for MPs to debate on the statement.*

Some of the key indicators to note while assessing the efficacy of statements as tools for parliamentary oversight include;

- ☑ *The promptness of statements in response to pressing issues and whether the responses received are detailed and substantive.*
- ☑ *The statements resulting in the amendment of policies, laws or institution of an administrative action.*
- ☑ *The frequency of the usage of statements to proactively address pressing governance issues and public concerns.*

[1] Ministerial Statement as accessed on 15th March 2025
[2] About_Parliament House_of_Representatives Powers_practice_and_procedure Practice7 HTML Chapter16 Constituency_statements - aph-gov as accessed on 15th March 2025
[3] Standing Order 48 - Ministerial statements as accessed on 15th March 2025

3.4 Tools and Mechanisms for Political Control

3.4.1 ***Budget, Estimates and Spending Review Processes***

To understand how financial scrutiny is performed in practice, it is important to have a grasp of the budget, estimates and spending review processes. Studying the budget is a complex task, involving several actors that formulate and implement it. This also includes a myriad agents who contribute to auditing and accounting these vital processes such as political parties, civil society groups and business and private enterprises, etc. The budget is the key economic policy tool of government[1] and regarded as the most comprehensive statement of financial policy priorities.



In Canada, the budget is the government's fiscal plan and is presented to Parliament in late February. It includes aggregated projections of the government's expenditure plan for the coming and following two fiscal years and the annual budget. Shortly after the budget the 'main estimates' are presented to parliament to approve together with government department 'Reports on Plans and Priorities' (RPPs). A second report demanded of government departments and agencies is the 'departmental performance report', each of which is presented to parliament in the autumn and set out performance against targets.



In the United Kingdom, the budget refers to an annual statement of revenue that is required to pay for the expected spending of government, and which the Chancellor of the Exchequer presents to Parliament in March. In the annual budget, a spending review is performed which allocates budget funding across departments. Spending reviews were first introduced in 1997 and typically covered a two-to-three-year period, but now they stretch over four years.

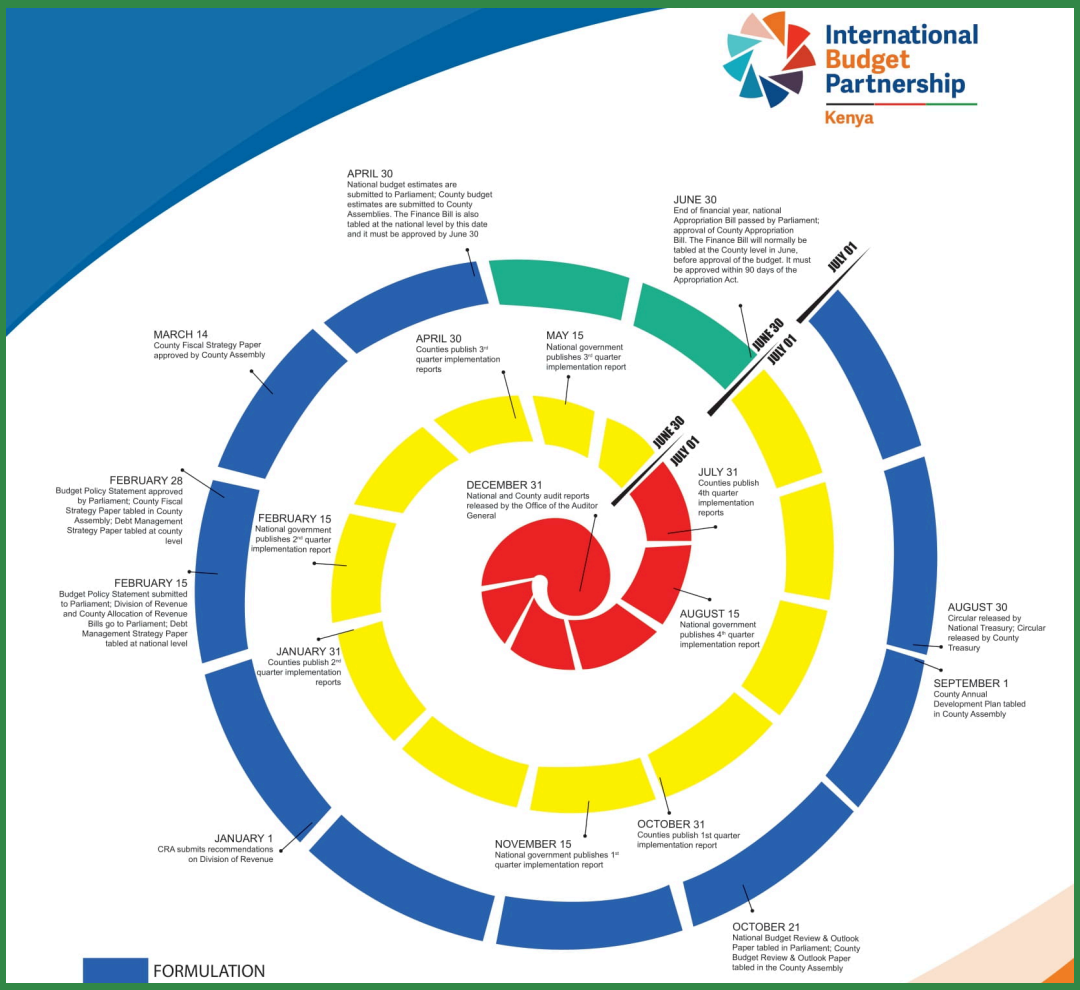


Figure 2: Kenya's Budget Calendar Cycle developed by Bajeti Hub (formerly International Budget Partnership- Kenya)

In Australia, the budget is presented in mid-May, six weeks before the commencement of the financial year, limiting the time available for parliamentary scrutiny through debates and senate estimates hearings. The budget must be approved by both houses before the start of the new financial year, although in reality some revenue or spending matters may remain unresolved. The budget contains planned government expenditures for the coming year, as well as other documents such as economic statements and revenue proposals. Parliament's capacity to influence allocation of funds within appropriations is limited under the constitution. Senate select committees now perform a vital function in the consideration of estimates, following reforms made during the 1990's.

[1] https://www.accaglobal.com/content/dam/acca/global/PDF-technical/public-sector/tech-tp-pfs.pdf
Accessed on 10 January 2025

3.4.2 *Committees of Inquiry*

A parliamentary committee is a group of parliamentarians appointed to perform certain inquisitorial specified function either from the Chamber or by virtue of parliamentary Rules and procedures mandate and scope. There are two types of committees i.e. long-standing/ permanent committees lasting the duration of the parliament s term or issue-based, ad-hoc, or inquiry committees that dissolve once they have served their purpose[1]. Whichever the formation of the Committees is considered the crux of oversight with capacity for in-depth analysis and high potential for impact in terms of driving policy and political change.

Committee hearings provide broader engagement as well as input from experts, thereby leading to sound, evidence-based appraisals and relevant recommendations. In addition, committees have embedded public participation by statute/procedures/ practice and inclusion in their work, through consultations with different stakeholders as well as making their work public unless there are exceptional circumstance.



In Ghana, Committees of Inquiry have successfully been used as a strong oversight tool with powers to summon high-profile witnesses, look into government records and make binding decisions. Over the years they have played a crucial role in enhancing transparency and accountability and influencing policy reforms. Some of the successful instances include the Judgement Debt Commission (2012-2015) and the Special Committee on Illegal Mining (Galamsey) in in 2023[1].

Some of the key indicators to note while assessing the efficacy of votes of no confidence as tools for parliamentary oversight include;

- ☑ *Provisions of the legal framework and/or parliament's rules of procedure relating to the establishment of Parliamentary Committee Inquiries (PCIs).*
- ☑ *Provisions of the legal framework and/or parliament s rules of procedure guaranteeing the proportional participation of political groups in PCIs*
- ☑ *Provisions of the legal framework establishing a legal responsibility to appear before a PCI, as well as sanctions for the unlawful refusal to appear before a PCI and to provide information*

- *PCI reports and recommendations.*
- *Details of the trained personnel and administrative and financial resources available to support the conduct of PCIs.*

3.4.2.1 ***Crucial Parliamentary Committee concerned with Financial Scrutiny***

There are three key parliamentary committees renown to be mandated with responsibilities around scrutinizing public finances:



The Public Audit/Accounts Committee

Concerned with scrutinizing spending of government departments and agencies including local government and publicly owned companies. Such committees are responsible for conducting financial and value for money audits. They select auditor general reports to be considered and conduct inquiries through summoning, hearings or formal requests for government to respond on arising queries.



The Finance and National Planning Committee

Concerned with investigating and inquiring into estimates assigned to ministries and departments, studying and review finance and monetary related policies and legislation, especially those related to debt, revenue, banking, investments, insurance, taxation, pricing in order to develop national economic plans. In modern days, Public Debt Committees are also being established to monitor, track and report externally and internally raised public debt.



The Budget and Appropriations Committee

Concerned with monitoring, investigating, inquiring into all matters related to the national budget, reviewing estimates and budget policy statement, examining Bills related to the national budget, including Appropriations Bills; and finally, evaluating tax estimates, economic and budgetary policies and programmes with direct budget outlays.

3.4.2.2 *Financial Scrutiny Reports*

When Committees meet to investigate or inquire into above stated financial matters, minutes of evidence are produced. Such minutes are circulated to witnesses for accuracy before report development and publication. Usually, it is the responsibility of the chairperson to draft a report, with assistance from the committee clerk.

Witnesses, especially auditor generals may (where possible) prepare a set of recommendations as a basis for committee deliberations, to support this process. The draft report is debated within the Committee, where changes can be proposed, and accepted or rejected. It is not normally required that developed committee reports have to be adopted unanimously by the committee, some committees have found it useful to hold back reports until consensus has been established. Minutes of evidence of a particular hearing as well as the committee report should be published as promptly as possible.

Such reports are normally required to be uploaded onto the Parliament Website for public accessibility and to clarify and/or aid further inquiries.

3.5 Conclusion

The above stated oversight tools and mechanisms are not conclusive; however, they are good baseline initiatives to display a working, efficient and effective parliamentary democracy. The tools and mechanisms might also be referred using different names in different parliamentary democracies and systems. The next chapter showcases avenues in which members of public can participate in conducting oversight over Parliament.

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[1] https://www.accaglobal.com/content/dam/acca/global/PDF-technical/public-sector/tech-tp-pfs.pdf Accessed on 10 January 2025
[1] Overview-of-parliamentary-oversight-tools-and-mechanisms-2022-final, TI Kenya
CSJ FINAL REPORT as accessed on 15th March 2025

CHAPTER FOUR:
Parliamentary Oversight Through Citizen Initiatives

4.1 Introduction

The Constitution of the Republic of Somaliland provides avenues for citizens to participate in their own governance and channels for citizens to oversee some of the Parliamentary processes. The Constitution also recognises that Somaliland is grounded in democratic principles and its governance is anchored by those principles[1]. Some of the available tools and mechanisms that promote citizen oversight include:

4.2 Public Participation in Parliamentary Processes

The Constitution of Somaliland provides for the Right of citizens to participate in political processes[1]. Given that the Constitution further recognises the separation of powers between its branches of government and consequently the oversight mandate of Parliament of the Executive's activities and roles, this mandate is carried out in accordance with democratic ideals and also through public consultations. Through public participation, the House of Representatives can input from the citizens, civil society sector and other expert and industry leaders on bills and policies due to be enacted.

South Africa for example has strong public participation avenues and mechanisms in their law-making process. Section 59 of the Constitution of the Republic of South Africa grants the public powers to participate in processes of the National Assembly by asserting that the National Assembly must enable public involvement in legislative processes and other processes of the Assembly and its committees. Their courts have also emphasised and further entrenched this principle and practice in court cases and set a firm jurisprudence on public involvement.[1]

4.3 Memoranda and Petitions to Parliamentary Committees

The Constitution of Somaliland stipulates that the citizens have a right to express opinion,[1] and freedom of communication.[2] Through petitions and memoranda, citizens can express their opinions and grievances if any, to parliamentary committees to institute an oversight action, demand accountability on certain governance issues, or even propose legislative interventions and reviews.

In Germany for example, citizens have a constitutional right to submit petitions individually, through a group where the petitions are supported by other members of the public and mostly shared through e-platforms for support and traction or through collective petitions which can be submitted by organisations, especially during advocacy campaigns. They have a Petitions Committee in their Federal Parliament which handles the petitions and may institute action through them.[1] That is also the case with Kenya.

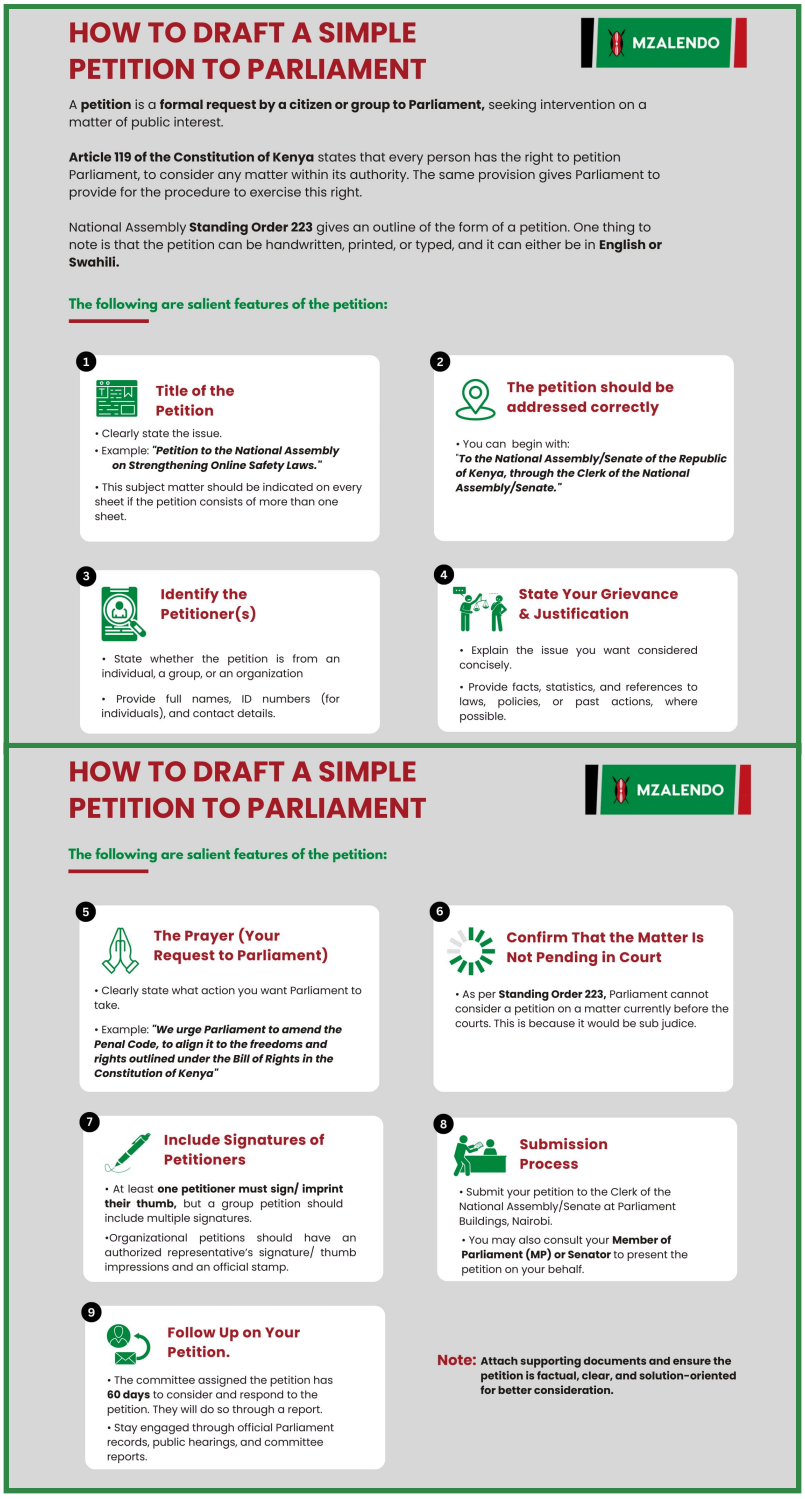


Figure 3: How to draft a petition to Parliament in Kenya.

4.4 Networks and Stakeholder Engagement

By leveraging on various platforms that may host virtual or physical interventions, citizens can deliberately assemble to hold civic engagement-oriented dialogue forums that could be co-convened in partnership with civil society, political parties, government and citizen initiatives towards engaging and oversighting over parliament (or the executive/judiciary).

In the interventions, concerned citizens may assemble to picket or consolidate views in the form of letters, petitions and memoranda to submit to parliamentary entities targeting committees or individual MPs as representatives, requiring them to substantiate or assist in inquiring into various issues of public interest.

This could further trigger efforts by parliament to request respective government ministries and agencies to produce data, research, implementation, progress reports or conduct reviews in the areas of concern. Civil society could plug on these efforts to provide research, thought leadership on raised issues, or establish and strengthen such advocacy networks.

4.5 Conclusion

Leveraging on the tools and mechanisms in the previous chapter, this chapter highlights measures and sources of information citizens can utilize to effectively interact, scrutinize and engage in oversighting over parliament's activities. Such sources provide valuable avenues, that develop insights and data which enable and/or reinforce citizen voices and public engagement in decision making processes.

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[1] Article 9, Constitution of Somaliland
[2] Article 22, Constitution\ of Somaliland
[3] SALS-Public-Participation-Framework.pdf as accessed on 15th March 2025
[4] Article 32, Constitution of Somaliland
[5] Article 30, Constitution of Somaliland
German Bundestag - Petitions Committee as accessed on 15th March 2025

CHAPTER FIVE:
Self-Assessment Questions Assessing Oversight Function of Parliament

5.1 Introduction

The self-assessment questions are grouped into six sections, or sets of questions, structured in a way that follows the recommendations of the Global Parliamentary Report (GPR) 2017.

The questions in all sections are intended equally for all participants—parliamentary and committee leadership, MPs' groups, individual MPs and parliamentary administration and civil society organizations towards assessing the oversight function of Parliament. However, the last section on identifying and using oversight opportunities addresses specifically individual parliamentarians.

5.2 The Sections

Each of the six sections is composed of two parts, with different types of questions. The first one, Part A, contains questions of a factual or objective nature. These questions are quite detailed but can usually be easily answered and should not require special examining of data. Most of them can be answered just with "Yes" or "No", followed by a sentence or two providing confirmation and/or explanation. Answers to this part draw mainly from legal and parliamentary record and are usually not expected to be debated. Their aim is to determine various aspects and factors that can affect parliamentary oversight performance. Questions contained in Part A are designed to establish the current situation in parliament (the baseline)

The second type of questions, offered in Part B, are framed in language that asks, "to what extent", "how successfully", "how effectively", etc. Having in mind that personal evaluation of parliamentary oversight is subjective, our approach was not to offer any scale with responses to be chosen, but rather to provoke discussion and an exchange of views. Thus, participants are invited to make judgements and express their opinions, enabling also a comparison with responses from the first part. Serious and open discussion among members of parliament and other participants on particular issues should, ideally, result in identifying areas for improvements and some concrete ideas for future action.

In order to make the exercise more focused and time-efficient, the parliamentary administration is advised to prepare written answers to Part A questions and share them with all participants in advance. The answers should be concise and fact-based, with extracts from legislative acts and other information when needed. This could provide an objective ground for general acceptance of an established baseline, while enabling this part of the exercise to be completed faster and more efficiently, leaving space for thorough discussion of the Part B questions.

The self-assessment questions are indicative. As there is no single oversight model that would fit all parliaments, there is no selection of assessment questions that would be equally relevant and applicable in every parliamentary environment. Therefore, parliaments—and facilitators—are encouraged to adjust, reformulate or even skip some of the questions offered and tailor them to their context, depending on the given parliament and political and other factors that influence its oversight mandate and performance.

Depending on the purpose of the exercise, parliament might decide to conduct a self-assessment following only one set of questions which is of particular concern and which it deems to be the most relevant to its needs and situation. Of course, there should be a rational argument for doing so. This could be especially effective if parliament had assessed itself earlier following all sets of questions and wanted to monitor improvements in its performance in a specific oversight area after a period of time. In order to enhance the effectiveness of the assessment exercise, a brief summarizing improvement, areas, recognized as priorities for further improvement, and possible actions to be.

In addition to the six sets of questions that draw directly from the GPR recommendations, a separate set of questions is offered, intended exclusively for the self-assessment of the parliamentary administration. Their purpose is to examine not only the current administrative capacity to provide expertise and technical to MPs but also the readiness of the administration to think a few steps ahead. The parliamentary administration should be able to envisage parliamentary development and challenges to be addressed and to get prepared in advance by modernizing its internal organization and procedures, improving expert knowledge and skills of staff, introducing new services to MPs, enhancing communication with the public etc. Such an administration could be an inspiring factor in parliamentary efforts to reinforce its oversight role.

Before conducting the self-assessment questions, it is important to lay out a baseline that will guide on how to conduct the self-assessment exercise and to measure and gauge whether the intended outcomes were achieved. This includes:

S.N	Question
1.	Who will undertake the assessment? (Internal v External assessments)
2.	Is there political buy-in/ goodwill? (Leadership commitment to reform)
3.	What are the expectations of the assessment? (Goals aimed to achieve)
4.	How will the assessment be conducted? (Surveys, data analysis, consultations?)
5.	Are there mechanisms for follow-up and implementation? (Ensuring assessment findings lead to actual improvements)

5.2.1 Section 1: Oversight Priority

The first set of questions in this self-assessment toolkit is intended to evaluate whether a parliament has a strategic approach and how much attention it pays to strengthening its oversight performance, as a baseline for further assessment and eventual reforms.

5.2.1.1 Establish oversight as a top priority for parliament

Part A – Self-assessment questions

1. Has parliament formulated any strategic objectives regarding the strengthening of its oversight role?
2. Are there any planning documents that include oversight activities, at the level of parliament or its committees? If yes, does parliament regularly report on their implementation?
3. In the last five years, has parliament amended the legislative oversight framework[1] and/or introduced any innovations in practice aimed at increasing its oversight performance?
4. Does parliament have mechanisms to evaluate its oversight capacity and monitor its oversight performance?

5. Does parliament have a well-established and functional mechanism(s) to enable stakeholders, both inside and outside parliament, to provide a constructive contribution to the parliamentary oversight performance?

5.2.1.2 Establish oversight as a top priority for parliament

Part B– Self-assessment questions

1. To what extent does parliament prioritize its oversight role?
2. To what extent are parliamentarians—both from government and opposition parties—aware of the need and impact of a systematic, continuous and evidence-based oversight?
3. What steps has parliament taken to improve the oversight culture?
4. Has parliament reviewed its oversight role and performance (strengths, weaknesses, gaps) in the last five years? If yes, what were the findings and follow-up action?
5. To what extent is the public aware of parliament's oversight role and its possible benefits to the public good?

Wrap-up first set of recommendations

What has been the biggest recent improvement made in the above?

What gaps and constraints have been identified?

What areas have been recognized as priority goals for further oversight improvement?

What actions/measures should be undertaken in pursuing the identified goals ?

What are the possible obstacles and how to overcome them?

Notes:

5.2.1.3 *Recommendations*

- ★ Strengthen the mandate and capacity for oversight
- ★ Ensure powers to oversee government are clearly established in law and parliamentary rules.
- ★ Ensure the financial and administrative autonomy of parliament and a dedicated professional staff.
- ★ Allocate time in plenary for oversight.
- ★ Ensure that committee rules and practices support oversight.
- ★ Ensure clear mandate, procedures and capacity for budget oversight.
- ★ Mainstream gender and human rights into all oversight activities.
- ★ Develop specific research capacity to support oversight.
- ★ Build oversight skills and limit the impact of turnover at elections.
- ★ Solicit outside help.

Parliamentary oversight is grounded in a mandate that legally defines both parliamentary powers and governmental responsibilities. For effective oversight, a parliament needs the legal power and capability to develop oversight mechanisms and to ensure resources, a sustainable budget and well-trained professional staff.

The set of recommendations to strengthen the mandate and capacity for oversight is related to different forms and aspects of parliamentary powers that affect parliamentary oversight. The questions here, although intertwined, are conditionally divided into three categories: (a) formal powers and oversight mandate, (b) autonomy, and (c) oversight capacity.

5.2.2 Section 2: Oversight Mandate, Autonomy and Capacity

This group of questions deals with the legal authority of a parliament and of parliamentarians that can either provide or limit parliament's ability to control and oversee the policies, actions and spending of the executive branch. These powers and mandates mainly derive from the constitution, while the mechanisms for exercising them are usually defined by other legislative sources, such as parliamentary rules of procedure. The scope of oversight authority largely depends on a national political system, which significantly influences the political will and extent of parliamentary oversight. Therefore, a parliament can decide to adjust, reformulate or skip some of the following questions, depending on the political environment and whether it belongs to a parliamentary, presidential or hybrid political system.

5.2.2.1 Formal powers and oversight mandate

Part A – Self-assessment questions

1. Does parliament have the power to approve and/or dismiss executive appointments (entire government, head of government and/or individual executive officials)?
2. Are parliamentary committees able to summon ministers and other executive officials to committee meetings and ask them questions?
3. Are parliamentary committees able to ask and obtain documents and other information they need from government?
4. Are parliament's oversight mandate and procedures precisely legally defined?
5. Are the details of oversight processes specified in the parliamentary rules of procedure?
6. What is the system or practice of allocating time for oversight in the plenary agenda?
7. Do clear mandates and procedures exist for overseeing the budget, the government's international policy and security sector?

5.2.2.2 *Formal powers and oversight mandate*

Part B – Self-assessment questions

1. To what extent is there a general awareness about parliamentary oversight powers, within and outside parliament?
2. To what extent do current legal oversight powers and mandate allow MPs to perform effective oversight?
3. Are there barriers that limit the opposition's ability to conduct oversight?
4. How satisfactory is the system of establishing committees and appointing their chairs and members?
5. To what extent do committees' structure, rules and practices support oversight, including effective monitoring of ministries?
6. Do ministers regularly follow invitations to committees' meetings and deliver documents required by committees, in a complete and timely manner?
7. To what extent does the legal framework support parliamentary reviews of legislation implementation?
8. To what extent are gender and human rights mainstreamed in oversight activities?

Autonomy of Parliament

5.2.2.3 *Autonomy of Parliament*

Part A – Self-assessment questions

1. Does parliament enjoy institutional autonomy (Speaker's appointment, no-confidence vote in government or its members, immunity to dissolution by the executive, etc.)?
2. Do members of parliament enjoy immunity with respect to their freedom of expression?
3. Is parliament involved in all stages of state and parliamentary budgetary cycle (from preparation to adoption)?
4. Does parliament have its own security services, or are these services provided to parliament by the police/ executive?
5. Does parliament have organizational autonomy, such as control over its parliamentary timetable, and organization of its business and internal structures?
6. Does parliament control the recruitment of its staff?

5.2.2.4 *Autonomy of Parliament*

Part B – Self-assessment questions

1. To what extent is parliament autonomous in practice from the executive?
2. How well is parliament able to scrutinize draft budgets tabled by government and to control budget execution?
3. To what extent does parliament have control over its own budget, in all stages of the budget cycle?
4. Which segments regarding parliamentary autonomy are particularly significant for parliamentary effectiveness and overall oversight performance?

Additional Questions

1. Does parliament possess legal personality attributes[1] (e.g. can it acquire property, agree contracts in law)?
2. Does parliament need any kind of approval from the executive regarding parliamentary expenses, if in line with the budget? Does parliament have its own account?
3. Does the executive have the power to impound parliament's funds (e.g. to suspend or delay parliamentary payment orders)? If yes, does it happen in practice?
4. Do MPs enjoy the guaranteed social protection and remuneration?
5. Does parliament own and maintain the property it occupies, such as premises, etc., or is this property owned and maintained by the executive?
6. Is the security at the entry and inside parliament's premises ensured by services answerable to parliament?
7. Do police need parliament's permission to enter the parliament's premises?
8. Is a court of law[1] authorized to control administrative parliamentary acts?
9. Are the status, pay scales and recruitment of parliamentary staff regulated by parliament, separately from public servants in the government?

[1] See: The administrative and financial autonomy of parliamentary assemblies, Association of the Secretaries General of Parliaments, 1998; https://www.asgp.co/sites/default/files/documents/OMQJLYHYSWWZWJFVQGFGIIDSANRDGW.pdf

[1] Special court instance that ensures constitutionality and legality; constitutional court.

5.2.2.5 *Oversight Capacity*

Part A – Self-assessment questions

1. Are any committees (or other parliamentary bodies) chaired by the opposition?
2. Do parliamentary rules and practice enable any special treatment of the legislative and oversight initiatives coming from the opposition regarding committees' and/or plenary agenda?
3. Does parliament have a dedicated research unit/staff? If yes, do all members of parliament have equal access to the research services?
4. In the past 12 months, how many trainings have been held related to oversight? How many people have attended? MPs only, or staff included?
5. Is there an orientation/induction programme for MPs at the beginning of a new legislature?
6. In the past 12 months, has parliament been a beneficiary of any development/technical support project (or activity) related to oversight issues?

5.2.2.6 *Oversight Capacity*

Part B – Self-assessment questions

1. With regard to increasing its oversight capacity, how effective have parliament's efforts been?
2. To what extent is the opposition able to carry out oversight of the executive?
3. How effective are the parliamentary research services in supporting oversight, including technical capacity and expertise in budgetary issues?
4. To what extent is parliament able to influence and scrutinize the national budget through all its stages?
5. Regarding expertise, independence and reliability, to what extent does the parliamentary administration provide good quality services to MPs?
6. What gaps and opportunities need to be addressed to strengthen parliament's oversight capacity?

Wrap-up: Second set of recommendations

What has been the biggest recent improvement made in the above?

What gaps and constraints have been identified ?

What areas have been recognized as priority goals for further oversight improvement ?

What actions/measures should be undertaken in pursing the identified goals ?

What are the possible obstacles and how to overcome them?

Notes:

5.2.2.7 *Recommendations*

- ***Legal powers and mandate:*** A parliament needs strong internal structures, mechanisms and technical capacities—financial, human and organizational—to support the parliamentary oversight function. Strengthening parliamentary oversight requires constant changes, even restructuring, within the institution to answer to the growing demands of civil society and, consequently, the growing information and expertise demands placed on MPs.

- ***Parliamentary autonomy:*** is usually understood as financial and administrative abilities, to decide on its budget and its staff recruitment. However, there are various layers and aspects within and outside these two common expressions of parliamentary independence from the executive branch. These aspects can all have significant direct or indirect implications on the scope and effectiveness of parliamentary oversight, especially in a politically polarized environment.

- ★ *Oversight Capacity:* Mechanisms that grant (or do not grant) opportunities to opposition parties to exercise oversight are probably the most obvious indicators of parliamentary commitment to and the political will for oversight. As parliamentary opposition has a crucial role in oversight—among other by scrutinizing policies and actions of the executive, many parliaments have begun introducing the practice of guaranteeing the opposition parties' right to table items on the parliamentary agenda or to reserve the right to chair certain committees. Building parliamentary capacity for oversight includes strengthening its administrative capacity, through improvements in its organization, management and human resources.

5.2.3 Section 3: **Co-produce Oversight**

For effective oversight, particularly on financial matters, MPs need time, resources, knowledge and skills that are not always available. The role of the modern parliament in holding government to account is changing and becoming more and more demanding. However, parliaments now have the opportunity to work closely with external oversight actors, to use their expertise and, most importantly, to obtain information that does not come from the executive. These actors include civil society organizations and citizens who can provide valuable information to parliamentary committees in the oversight process.

Establishing good cooperation, based on a two-way communication, with state oversight institutions, primarily supreme audit institutions, national human rights institutions and ombudspersons, is of crucial importance. As these institutions are usually set up by parliament and report directly to parliament, MPs have the power and it is in their interest to ensure that these complementary oversight bodies are strong, well-resourced and independent from the executive.

The self-assessment questions related to co-producing oversight with partners are focused on reviewing parliament's current mechanisms and practices when working with other oversight actors, detecting possible deficiencies, and identifying areas for improvement.

5.2.3.1 Co-produce oversight with partners

Part A – Self-assessment questions

1. Has parliament established working relationships with oversight institutions and other nonparliamentary actors?
2. Does parliament have clear rules about public participation (civil society organizations—CSOs, academia, individual experts) in its oversight activities?
3. Is there a user-friendly procedure for individuals and groups to make submissions to parliamentary committees or commissions of inquiry? If yes, is it functional?
4. Does parliament have an e-petitions system or other online engagement tools available to the public?
5. Does parliament receive audit reports from the supreme audit institution? (Please explain the procedure/usual practice for debates on audit reports and follow-up parliamentary practice)

5.2.3.2 Co-produce oversight with partners

Part B – Self-assessment questions

1. To what extent does parliament have regular and beneficial cooperation with oversight actors, such as supreme audit institutions, human rights protectors, ombudspersons and others?
2. How effectively does parliament make use of reports of the supreme audit institution?
3. Do committees obtain information and take evidence from a wide range of sources in a systematic and effective manner?
4. What are good practices or lessons learned from cooperation with external oversight factors?
5. How can relations with external actors be strengthened?

Wrap-up: Third set of recommendations

What has been the biggest recent improvement made in the above?

What gaps and constraints have been identified ?

What areas have been recognized as priority goals for further oversight improvement ?

What actions/measures should be undertaken in pursing the identified goals ?

What are the possible obstacles and how to overcome them?

Notes:

5.2.3.3 Recommendations

- ★ Recognize that effective parliamentary oversight is co-produced by the efforts of MPs, civil society and other oversight institutions, with support of the public.
- ★ Take evidence in committee from a wide range of sources.
- ★ Strengthen relations with supreme audit institutions and other oversight institutions.

5.2.4 Section 4: Consequential Oversight

Most parliaments today have some oversight mechanisms, if nothing else then at least questions to the prime minister and/or ministers, committees' hearings, etc. The essential difference that determines the impact of oversight activities is in their follow-up: how systematically does parliament keep track of government's commitments and compliance with parliamentary oversight requirements.

Answers to the following questions should provide a clear indication whether parliament has a system in place for monitoring government's responsiveness to parliamentary requirements and recommendations, or is it mainly left to individual MPs to pursue. This part of the exercise can contribute to a better understanding of the significance and impact of keeping track and ensuring government's compliance with parliamentary oversight requirements, as a baseline for developing effective procedures for oversight follow-up

5.2.4.1 Make good use of parliament's oversight powers

Part A – Self-assessment questions

1. Are parliamentary conclusions and/or recommendations to the executive and other state bodies public? Are they published in the national official gazette?
2. Do committees systematically keep track of the recommendations they make and of government's responses to these recommendations?

3. Do committees regularly examine executive compliance with their recommendations?
4. Is there an obligation by government to provide regular reports to parliament on the implementation of legislation?
5. What mechanisms are available to parliament to monitor government commitments and ensure government's compliance with oversight requirements?

5.2.4.2 Make good use of parliament's oversight powers

Part B – Self-assessment questions

1. To what extent does parliament track commitments made by government?
2. How appropriate and timely are government's responses, if any, to parliament's requirements and recommendations?
3. How rigorously does parliament ensure government's compliance with oversight requirements?
4. How effective are the means used by parliament to "sanction" government or ministers for not complying with parliamentary requests?
5. How systematically does parliament use "public exposure" as a tool to influence government's accountability?
6. How regular and effective is the collaboration between parliament and government, including formal and informal collaboration between parliamentary committees and ministries (and other government agencies)?

Wrap-up: Fourth set of recommendations

What has been the biggest recent improvement made in the above?

What gaps and constraints have been identified ?

What areas have been recognized as priority goals for further oversight improvement ?

What actions/measures should be undertaken in pursing the identified goals ?

What are the possible obstacles and how to overcome them?

Notes:

5.2.4.3 *Recommendations*

- ★ Make oversight consequential by keeping track.
- ★ Consider ways to achieve government compliance with oversight requirements.

5.2.5 Section 5: Oversight Publicly

The public's perception of parliament's integrity significantly determines the level of support that can be expected from the public in conducting parliamentary oversight. It is, therefore, important for parliament to promote among the general public and specific target groups an understanding and benefits of effective oversight. At the same time, parliament should show, through regular parliamentary business, its commitment to fostering its legitimacy, integrity and accountability. This includes adhering to well-established and functional codes of conduct, transparency of parliamentary spending, compliance with legal requirements and good practice standards regarding conflict of interest, public procurement, employment, e.t.c.

The following set of questions focuses on aspects of the work (and behaviour) of parliament and parliamentarians that may affect the public perception of the legislature, and on parliamentary communication with the media. Identifying gaps and obstacles to public support for oversight may be the first step in defining which parliamentary actions are needed to address them in the process of creating an environment of collaboration with society and the media.

5.2.5.1 Build public support for oversight

Part A – Self-assessment questions

1. Has parliament adopted its own code of conduct? If yes, is there a well-established procedure for dealing with complaints on breaches of the code?
2. Do political parties (and candidates, if applicable) provide regular reports on their funding? Are those reports publicly available?
3. Is there an enforceable system of control and accountability of parliamentarians for asset declaration, conflicts-of-interest disclosure and lobbying?
4. Are parliamentary record and proceedings publicly accessible? Are reports of committees publicly available?
5. Does parliament have a strategy, mechanisms and channels to effectively communicate its oversight work with the public? Has it regularly reported on its oversight activities?
6. Are parliament's premises and website accessible to persons with disabilities?
7. How is parliament involved in monitoring, implementing and promoting SDGs (for example, debates on national progress reports, committee hearings, parliamentary questions, etc.)?

5.2.5.2 Build public support for oversight

Part B – Self-assessment questions

1. How effectively does parliament deal with complaints on breaches of code of conduct?
2. Is parliament perceived in public as an institution that fully respects free access to information, and competitive public procurement and employment procedures?
3. How does the public perception of parliament influence oversight?
4. How effectively does parliament promote its oversight work?
5. How transparent and comprehensible are parliamentary information on budgetary issues?
6. To what extent do parliamentarians use social media in fostering their oversight activities?
7. To what extent does parliament review, debate and act on progress reports or other relevant documents produced by government on the implementation of national/development plans?

Wrap-up: Fifth set of recommendations

What has been the biggest recent improvement made in the above?

What gaps and constraints have been identified ?

What areas have been recognized as priority goals for further oversight improvement ?

What actions/measures should be undertaken in pursing the identified goals ?

What are the possible obstacles and how to overcome them?

Notes:

5.2.5.3 *Recommendations*

- ★ Adopt ethics rules and practices to promote parliamentary legitimacy.
- ★ Establish communication strategies to publicize parliament's oversight work.
- ★ Consider how best to use the media in oversight activities.
- ★ Make parliamentary records publicly available.
- ★ Position parliament as a leader on the Sustainable Development Goals.

5.2.6 Section 6: **Oversight Environment**

Even in parliamentary environments that are not supportive to oversight, there will be some tools available to MPs. To make better use of existing opportunities, the Global Parliamentary Report 2017, recommends: "Start small". Identifying common points of interest and finding allies among other MPs, building productive relationships with CSOs and think tanks, talking with constituents, listening to the public and communicating with people — these are some of the activities that can open to MPs advantageous windows of opportunity for oversight.

This last set of questions is intended for individual MPs, particularly from opposition parties, to assess the opportunities for oversight that can be used, inside and outside parliament, and to self-assess their personal attitude towards oversight, professional potential and possible impact on achieving political and personal goals.

5.2.6.1 Opportunities for MPs to shape the oversight environment

Part A – Self-assessment questions

1. Are there any cross-party groups and collaboration in parliament?
2. Is there a practice of establishing sub-committees for specific issues?
3. Do political parties nurture the specialization of their members in specific fields?
4. Are there specific rules regarding the oversight role and opportunities of MPs from government and opposition parties?

5.2.6.1 Opportunities for MPs to shape the oversight environment

Part B – Self-assessment questions

1. To what extent are parliamentarians using already available oversight opportunities?
2. How effectively are MPs using events on which public attention is focused as subjects for oversight initiatives?
3. How important is the attitude of the parliamentary leadership (including party leadership) towards oversight?
4. How satisfactory are the opportunities for cross-party collaboration on oversight?
5. How could an MP advocate for parliament to safeguard effective oversight? How satisfactory are the opportunities available to individual MPs to achieve a meaningful oversight outcome?
6. To what extent are MPs able to link parliamentary oversight activities with the needs of their constituencies?
7. Within the framework of the rules of procedure, what are the possibilities for initiating oversight activities, such as joint committees' meetings, roundtable meetings, public debates, committee meetings outside parliament, etc.?
8. What means are at the disposal of women, young and minority MPs to articulate their specific interests through oversight?

Wrap-up: sixth set of recommendations

What has been the biggest recent improvement made in the above?

What gaps and constraints have been identified ?

What areas have been recognized as priority goals for further oversight improvement ?

What actions/measures should be undertaken in pursing the identified goals ?

What are the possible obstacles and how to overcome them?

Notes:

5.2.6.3 *Recommendations*

- ★ Make better use of existing opportunities.
- ★ Take advantage of windows of opportunity.
- ★ Create and join reform coalitions.
- ★ Participate in alternative and cross-party working groups.
- ★ Elect and support parliamentary leaders who favour oversight

5.2.7 Section 7: Parliamentary Administration Oversight Capacity

Here are some additional self-assessment questions dealing only with administrative capacity that can be useful in a parliament's effort to change and improve its oversight performance.

As in the preceding sections, there are two different types of questions, grouped as Part A and Part B. Part A is composed of questions of a factual or objective nature. These questions can usually be answered only with "Yes" or "No" and are designed to establish the current situation in parliament, or the baseline. Questions in Part B are open; they are intended to elicit participants' opinions and judgement.

Compared to the preceding six sections, there are more questions here on the self-assessment of administrative capacity to enable parliaments to choose and to focus on the most relevant questions in their respective contexts. Facilitators and participants are free to adjust the following questions, or to add new ones, in order to identify and analyse issues regarding parliamentary administrations that might hinder or support and stimulate improvements in parliamentary oversight. The exercise should result in identifying the segments of administrative capacity where improvements are necessary and in recommendations on how this should be done.

It is desirable that members of parliament also participate in this part of the self-assessment exercise, as MPs' feedback on the scope and quality of support services provided by the parliamentary administration is very important input for improving administrative capacity.

5.2.7.1 Administrative capacity

Part A – Self-assessment questions

1. Is there any strategy for human resources development, short-term or long-term?
2. Does parliament plan and ensure regular training for staff, including senior management?
3. Does parliament have a sufficient number of skilled staff to support oversight, particularly in the area of research?
4. Is there a separate research unit, or are research services provided by another unit?
5. Are there precisely defined rules on submitting requests for research, time frames, types of research papers, etc.?
6. Is there a practice on preparing information for MPs (e.g. summaries, reports, analyses) about committee agenda items?
7. Is there a well-established system within the administration of tracking parliamentary recommendations and government compliance with parliamentary oversight requirements?
8. Is there a system (or practice) within the administration to follow-up and monitor legislation implementation?
9. Is there a system for getting feedback from MPs on the quality of services provided by the administration?
10. What new services or products have been introduced by the parliamentary administration in the last few years?
11. Is there a regular internal reporting practice within the parliamentary administration?

12. Does parliament carry out staff evaluations regularly?
13. Is there a strategy for communication with the public?

5.2.7.2 Administrative capacity

Part B – Self-assessment questions

1. Regarding expertise, independence and reliability, to what extent does administration provide good quality services to MPs?
2. To what extent is legislative and research staff able to provide quality support to MPs with regard to budget issues and other specific policy areas?
3. To what extent are the current organization, management and corporate culture of the parliamentary administration inspiring for further oversight improvements?
4. How satisfactory is the parliamentary administration's communication with the general public and specific target groups?
5. To what extent does the parliamentary website provide complete, accurate, updated and user-friendly information?
6. How strategic is the parliamentary administration's approach to its organization, staff recruitment and training?
7. How efficient and in line with modern technology are internal communication procedures and mechanisms?
8. How adequate is the remuneration of parliamentary staff, compared with other state institutions? Are performance-based incentives applied?

Wrap-up: sixth set of recommendations

What has been the biggest recent improvement made in the above?

What gaps and constraints have been identified ?

What areas have been recognized as priority goals for further oversight improvement ?

What actions/measures should be undertaken in pursing the identified goals ?

What are the possible obstacles and how to overcome them?

Notes:

5.2.7.3 *Recommendations*

- ★ The Global Parliamentary Report 2017, as well as the preceding sets of self-assessment questions, indirectly refer to the capacity of parliamentary administrations as a factor that can significantly influence parliament's overall oversight capacity.
- ★ One crucial recommendation identifies directly developing specific research capacities to support oversight.
- ★ Parliamentary administrations must change, even before parliament as a whole changes, and be a few steps ahead of it. Such administrations can be a motivating and facilitating force in parliament's determination to reinforce its oversight role.

Notes:

Please describe any issues of concern that have not been addressed by the self-assessment questions

5.3 Assessment Reporting Template

Recommendations for change	Most important recent improvements	Priority areas for improvements	Actions to be undertaken	Possible obstacles
Establish oversight as a top priority for parliament				
Recommendations for change	**Most important recent improvements**	**Priority areas for improvements**	**Actions to be undertaken**	**Possible obstacles**
Strengthen the mandate and capacity for oversight				
Formal powers and oversight mandate				
Autonomy				
Oversight Capacity				
Recommendations for change	**Most important recent improvements**	**Priority areas for improvements**	**Actions to be undertaken**	**Possible obstacles**
Co-produce oversight with partners				
Make good use of parliament's oversight power				
Recommendations for change	**Most important recent improvements**	**Priority areas for improvements**	**Actions to be undertaken**	**Possible obstacles**
Build public support for oversight				
Seize the opportunities availability to MPs to shape the oversight environment				

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