

Citizen's Assessment of Parliaments Performance

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Just very briefly, PILDAT is an independent non-profit think tank dedicated to strengthening democracy and democratic institutions. There are three key areas of work relevant to the theme of this Conference: one is Parliamentary Strengthening, which is an area in which we have worked since 2001 in Pakistan, from which we have organised briefings and over 85 courses.

Secondly, we have also moved into the area of Parliamentary Performance Assessment and thirdly, since 2003, when democracy was restored in Pakistan, we have produced the Annual State of Democracy Report, which covers how democracy is progressing - or not progressing - in Pakistan.

Although most of our activities have been focusing on Pakistan, we have in recent years been establishing regional workshops on various parliamentary issues in Kabul and Islamabad. We hope to have a similar effort in other South Asian countries later on.

Very quickly, to put into context in Pakistan, we have a Parliamentary form of Government, a Bi-cameral Parliament, a Senate with 100 members, equal provincial representation, a National Assembly with 342 members, with 60 reserved seats for women and ten reserved seats for religious minorities.

The average size of National Assembly Constituencies is 300,000 voters, while the largest has over 600, 000 voters. We also have lowest average voter turnout (40%) in South Asia, which is one of the lowest in the world.

Performance

In general, the performance of Parliament is not very good. This is because people are disinterested in MP's performance in Parliament. Voters prefer, expect and value personal favours for getting a job or for

local development. MPs have certainly been solicited. Social calls at weddings and funerals by their MPs are very much expected by the voters, and if an MP doesn't turn up at a particular wedding or social event, it's something that is counted against him, and he will know about it at the next election.

So, there is no real incentive for MPs to provide a good performance inside the Parliament. Attending the social events and the personal favours are enough to get him or her elected in the next elections. At this time, a strong performance in Parliament is simply not considered a priority.

The Citizens Report, which we have initiated in 2003, is intended to basically involve citizens' interest in Parliamentary performance to create an incentive for MPs to improve performance their performance in Parliament. So that is basically the style we have employed to measure and report Parliamentary performance.

Another level of evaluating performance is at the individual level, a more sensitive undertaking, and which of course means stepping on many toes. We hope the criteria for this will be in place by March 2010, when the current National Assembly will be completing its two years.

The Parameters of Parliamentary Performance, which is used in our report, is based on the number of days the National Assembly met. It's a yearly report, but hardly has the National Assembly met more than the bare minimum number required of 16 days. The two day break in between the session is also counted in this, which we feel is unfair. We also observed the number of hours the Parliament has met in a day, and punctuality - the number of days a sitting started on time - which was very seldom adhered too.

How many legislations have been passed: for example, the 12th National Assembly, which completed its term in 2007. After five years, they passed just 50 Acts versus 121 Ordinances, which is a kind of law by Presidential decree; 197 acts of legislation were still pending at the completion of the National Assembly's five year term.

In comparison, the Indian Lok Sabha passed 248 acts in five years versus 34 Ordinances. We try to highlight and compare these with other systems. And nothing, really, activates Pakistan than trying to make an example of India. And, with these differences in the comparable number of Ordinances, we tell our fellow Pakistani Parliamentarians they are all doing very well.

Oversight

Continuing the parameters of parliamentary performance, there is oversight by committees, which is one way by which we measure the performance of both Parliament, the Parliamentary meetings the committees it has held, and how the observations are communicated to the executive; how many witnesses were summoned and asked to testify, the questions asked, how many experts testified, and how many reports were issued by the committee. This is what the many (55) standing committees we have attempted to undertake some in the National Assembly.

On the questions asked by the ordinary members, and too look at in another way - how many questions were actually answered. In the five year term, only 25% of the questions were answered. Another way of looking at it is how many times Quorum broke in the National Assembly. The answer is quite frequently.

In regards to transparency, half the Parliament gives out its own information, which was very little when it began six years ago. But now, on the NA website, it gives out much more information. But still, some information like individual attendance is still not available. So we look at the extent of the availability of information.

The Parliamentary Budget Process is a focus area, and in Pakistan, it is an especially very weak process, yet members are expected to prove the budget and put their names on it, yet have little chance of giving any input to the actual making of the budget. And they don't have enough time to analyse or provide informed input in the budget, because only 15 to 20 days are made available, yet the budget is a two-foot, high pile of documents, which they are supposed to read, and give knowledgeable input – that doesn't happen. And this is something we have noticed for many years. The Defense Budget is traditionally put in

the Parliament and only *one* figure is quoted, although there has been some improvement since last year, when some information was shared. However, there is growing complaint that more details should be shared with MPs.

As I said earlier, we try to compare the performance with other parliaments, and how the performance is changing from year to year, whether it is improving, or static, or going down. This involves the analysis of the quantitative data. We have been doing this since 2003.

Assessment Tool Kit

Last year, for the first time, we did an additional report, when the Inter-Parliamentary Union (IPU) introduced a Self Assessment Tool Kit for Parliaments themselves and for citizens. Two objectives were identified: to evaluate Parliament against international criteria, and identify priorities and means to strengthen Parliament.

The Tool Kit is based on 48 questions grouped under six broad topics. Each question is graded on a five-point scale. One of the frameworks is evaluation by a non government organisation, and that is the scenario that applies to us. We were happy with that and very recently the IPU requested the Pakistan Parliament to showcase that PILDAT report in Geneva, at the General Assembly on October 20 (2009).

Who participates in the evaluation process? This report is mainly from PILDAT researchers, but also included a 28 member group, which comprised 12 Parliamentarians from five political parties or groups, which was heartening even if they knew they might discover information that badly reflected on Parliament; two veteran Parliament reporters, three senior academics (professors), two senior journalists, two lawyers, one former military commander, and two PILDAT staff. It was quite a diversification of talent and experience.

The evaluation results of the representatives of the National Assembly scored an overall 55%. The weakest aspect of the evaluation was how far it was possible for a person of average means to get elected to Parliament. Many MPs laughed this question away, saying it was *impossible* for a person of average means to get elected to the Pakistani Parliament. It scored the lowest with 28% in the overall score.

One of the strongest aspects of the evaluation was the composition of the National Assembly of women, which represented 71%.

Of the oversight of the Parliamentary Oversight of the Executive, another touchstone of Parliamentary Performance, the overall score was 49%. The weakest aspect was the inability to scrutinise executive appointments, which in Pakistan at the moment, Parliament has no power to scrutinise - it scored 35%. The strongest aspect was the autonomy of the National Assembly, which scored 64%.

The third parameter was the Legislative Capacity of Parliament (53%), of which I already told you, a very small number of laws are passed. So the weakest aspect was the weak process to consult various interest groups over legislation (44%), and the strongest aspect was the satisfactory procedures for full and open debate on legislation in the Assembly (56%).

Transparency and Accessibility of Assembly scored (55%). People felt there was very little opportunity for citizens to have direct involvement in legislation (37%), while strongest point was the ample freedom for journalists in reporting on the Assembly procedures and its members (55%).

On the Accountability of the National Assembly, it scored the second lowest with 44%. The weakest aspect was the Transparency of procedures to prevent conflict of interest, and oversight of funding to candidates and parties were almost non-existent with the score of 39%. The strongest aspect was that members generally agreed with the observance of an agreed Code of Conduct by members with a 49 % Score.

The last parameter was on Parliament's Involvement in International Policy, which had the lowest score of 37 %. The weakest aspect was the non-existent Parliamentary oversight of the deployment of country's armed forces outside the country, with a 30 % score, while the strongest aspect was Pakistan's effectiveness in inter-parliamentary co-operation with a 48 % score, which was also the overall score for the Parliament as a whole.

So this is something that remains to be seen over the years to come as to whether Pakistani Parliamentary evaluation improves on this score, or it remains static. So this is basically the benchmark, the baseline for evaluation which will set the stage for future evaluations.

Recommendations

We have made the following recommendations to the Pakistani Government, the National Assembly and the Parliament based on our objective hard data.

1. Election spending limits be strictly enforced
2. Make Parliament's role effective in Budget Process
3. Parliament should scrutinise key appointments
4. Provide adequate and non-partisan research service
5. Institute a system of public consultation
6. Attract young people to work in the Parliament
7. Involve citizens in legislative process
8. Institute a system to check members' conflict of interest
9. Adequate oversight on funding to parties and candidates
10. Institute a system to monitor levels of public confidence
11. Parliament Committees on Foreign Affairs to be more pro-active

There are also some observations from the lessons we have learnt.

1. The Evaluation Report is meant for ordinary people; it has to be simple and free from complex analyses of academicians;
2. Criteria be objective such as Quantitative Data, Popularity and Performance may not be confused;
3. A majority party in an effective Parliament may lose election. A single international criteria of Parliamentary Performance may not work;
4. Each Parliament should set a criteria for itself and it should be evaluated against that criteria like the ISO 9000 system of Quality Certification.

Please see www.pildat.org for more details. A limited number of copies of the Evaluation Reports are available.

(Transcribed)