

# **House Democracy Assistance Commission**

**2005 Annual Report**

**The Hon. David Dreier**  
**Chairman**

**The Hon. David Price**  
**Ranking Democratic Member**

**September 30, 2005**

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## **Introduction**

The House Democracy Assistance Commission was created by the House of Representatives on March 14, 2005, when the House voted 386-2 to approve H. Res. 135, the House Democracy Assistance Commission Resolution. Section 5(c) of that resolution states that the Commission shall prepare an annual report by September 30 and submit it to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Committee on International Relations and other appropriate House committees, the Office of Interparliamentary Affairs of the House of Representatives, and the Administrator of the United States Agency for International Development (USAID).

As required by H. Res. 135, this report contains the results of a study on the feasibility of programs of assistance for parliaments of new democracies for the purpose of strengthening their parliamentary infrastructure. It also reviews the activities of the Commission in 2005 and proposes activities of the Commission in 2006.

## **Commission Activities in 2005**

### **Appointments**

On May 18, 2005, the Speaker appointed Rep. David Dreier of California to be Chairman of the House Democracy Assistance Commission. The Minority Leader appointed Rep. David Price of North Carolina to be the Ranking Democratic Member. The Speaker appointed the following Republican Members: Rep. Jim Kolbe of Arizona, Rep. Paul Gillmor of Ohio, Rep. Mark Kirk of Illinois, Rep. John Boozman of Arkansas, Rep. Candice Miller of Michigan, Rep. Tom Cole of Oklahoma, Rep. Joe Wilson of South Carolina and Rep. Jeff Fortenberry of Nebraska. The Minority Leader appointed the following Democratic Members: Rep. Silvestre Reyes of Texas, Rep. Adam Schiff of California, Rep. Rush Holt of New Jersey, Rep. Lois Capps of California, Rep. Artur Davis of Alabama and Rep. Allyson Schwartz of Pennsylvania.

### **Meetings**

The Commission held its first organizational meeting on May 24, 2005, to discuss the operation of the Commission, the study on the feasibility of assistance programs, and plans for assistance programs in 2006. The Commission held additional meetings on June 23, July 26, September 15 and September 22 to discuss the feasibility study and to select countries for assistance programs in 2006.

### **Selection**

On the basis of the feasibility study, Members on September 22, 2005, agreed unanimously to undertake assistance programs in 2006 with the parliaments of East Timor, Georgia, Indonesia, Kenya and Macedonia (hereafter referred to as “selected countries”).

## **Study**

### **Introduction**

As mandated in Section 5(b) of H. Res. 135, the Commission conducted a study of the feasibility of assistance programs in countries that have established or are developing democratic parliaments which would benefit from assistance by the Commission. In this task, the Commission was supported by the staff and resources of the Committee on International Relations, as provided in Section 6. Significant assistance was provided by the Congressional Research Service (CRS) and staff of the Chairman and Ranking Democratic Member.

After the passage of H. Res. 135 in March 2005, the staff of the Committee on International Relations compiled a list of 22 countries whose parliaments possibly met the criteria in Section 5(b)(2). This list was compiled in close cooperation with experts from CRS, U.S. Agency for International Development (USAID), International Republican Institute (IRI), National Democratic Institute for International Affairs (NDI), and other organizations that are active in parliamentary strengthening activities. Following a series of roundtable discussions with those experts, staff undertook a desk study of the parliaments in 10 of those countries. In keeping with the sense of the House of Representatives expressed in Section 5(b)(3), the desk study examined two countries from each of five regions: Africa, Asia and the Pacific, Europe, the Middle East and Central Asia, and the Western Hemisphere.

In May 2005, the Chairman and Ranking Democratic Member reviewed the findings of the desk study and directed staff to undertake on-site assessment visits to five countries: Georgia, Macedonia, Kenya, East Timor and Indonesia. These visits were conducted from May to September 2005. In each country, staff met with officials from the Department of State and USAID; the implementer of the USAID-funded parliamentary strengthening program; members of parliament, including speakers, committee chairs, and party leaders; senior parliamentary staff; and outside organizations that work with parliament.

Staff reported findings to the Commission shortly after each week-long assessment mission. On the basis of those assessments reports, the Commission on September 22, 2005, unanimously agreed to conduct 2006 assistance programs in all five of the candidate countries.

In accord with Section 5(b)(1) of H. Res. 135, the Commission directed the staff of the Committee on International Relations to conduct additional studies on the feasibility of assistance programs in 2006 in four other countries: Lebanon, Afghanistan, Iraq and Ukraine. The timing of parliamentary elections in these countries was such that a study of the newly elected parliaments could not be completed by the September 30, 2005, deadline for the Commission's annual report. The Commission will review each of those additional studies and determine individually whether to conduct a program in each country in 2006.

## Georgia

A delegation of five congressional staffers visited Tbilisi from May 29 to June 4 in order to assess the possibility of a House Democracy Assistance Commission assistance program with the Parliament of Georgia. The delegation was accompanied by a democracy and governance expert from USAID.

In Tbilisi, the delegation worked closely with NDI, which is implementing a USAID-funded contract for parliamentary strengthening activities. The director of the NDI parliamentary strengthening program accompanied the delegation at most meetings. The close cooperation during the assessment visit reflects the intent of the Commission to build on existing parliamentary strengthening programs that are funded by the U.S. government, and the Commission program will coordinate closely with the NDI parliamentary strengthening program.

The delegation held 39 meetings and working meals during its week in Georgia. These meetings included the leadership of parliament, chairmen of important committees, key parliamentary staff, and outside groups that regularly interact with parliament. These meetings enabled the delegation to gain a good understanding of how the parliament functions and areas in which the Commission could best assist the parliament in its internal reform efforts.

Following the Rose Revolution of late 2003, the United States has given strong support to the new leaders of Georgia, recognizing the country's importance as a democratic example to other former Soviet states. President Bush visited Georgia in May 2005 to underline his support for President Saakashvili and his policies. Georgia has regularly ranked among the top recipients of U.S. foreign aid on a per capita basis, reflecting concern in the Administration and Congress.

The 235-member parliament is vibrant and home to many newer members who would benefit from a peer-to-peer assistance program. The dynamic Speaker, Nino Burjanadze, was a leader of the November 2003 Rose Revolution. While she is an ally of President Mikhail Saakashvili, she has institutional concerns about the weakness of the legislature relative to a popular president. A set of constitutional amendments approved in early 2004 strengthened the executive, and the government often submits "emergency" legislation that limits the time for parliamentary consideration. The Speaker and her staff have requested that the Commission assist her office with issues ranging from the management of the legislative calendar to organization of the parliament.

The parliament itself has developed its own long-term development plan, in conjunction with UNDP. The infrastructure of parliament is relatively sound, having been developed in part through USAID assistance dating back to 1996. NDI is working with the Speaker's office so it can become more effective in reforming the parliament as an institution and revise parliamentary procedures. NDI is working with committees to improve their ability to draft legislation and other procedural topics, and the institute is conducting advanced staff training workshops on topics like how the audit agency works, how to improve constituent outreach, and media training.

While the parliament seems to have sizeable staff resources to support the members, with 900 staff supporting 235 members, staffing is not effective. A reorganization is planned and seems necessary. A major need of members and senior staff is relevant and timely information and analysis, so that they can become stronger players in the legislative process and in their oversight function. This is not being adequately provided by the committees or support agencies.

Committee chairs and staff are serious about improving their ability to review legislation and conduct oversight of the executive branch, but they face several impediments. Because the executive often submits “emergency” legislation, the time for committees to consider legislation is often limited. This could be improved with better scheduling of legislative business and with an improved procedure for marking up legislation in committee. Analysis of bills by both committee staff and the research department is difficult because of the short notice. Committees have begun to schedule public hearings, and staff has requested advice from House staff as to how to prepare for oversight hearings, such as researching and preparing suggested questions. Most legislation is drafted in government ministries, though Members can introduce their own bills. In the absence of a legislative counsel’s office, committee staff do most drafting of private member bills and they have requested assistance with this task.

The Research Department with a staff of 45 is a strong candidate for HDAC assistance. Most members interviewed said that they received little timely or useful support from the Research Department. This suggests either that the Research Department is not providing the types of assistance needed by the parliament or that the members are not well informed about what the Research Department does or can do. Both may be true. An HDAC program could assist in either case, helping the Research Department to develop products and services that are more responsive to member needs, helping them to better advertise their services, and educating members and staff on how to best utilize those services.

The Chamber of Control, the equivalent of GAO, needs to strengthen its government audit capabilities and learn to help parliament conduct oversight. The prospect of an audit is viewed as a threat or punishment, rather than a regular management tool. The Budget Department, the equivalent of CBO, was created in 1998 with USAID support, but it has not been integrated into the work of committees. Assistance is needed to develop better analytical methods and products that can better help members analyze the budget. The United Nations Development Program has provided IT assistance, including 200 computers, but this program is not coordinated with the parliament’s IT department. There is a need for technical assistance to use these computers to facilitate communication within parliament and with the public.

The Commission has approved a legislative strengthening program with the parliament of Georgia in 2006. Such a program may include committee strengthening work, with a focus on those committees that have worked most closely with the USAID-funded program; assistance to the speaker’s office; and assistance to support agencies, including the research service, chamber of control, budget department and information technology department.

## **Macedonia**

A four-member staff delegation of the House Democracy Assistance Commission visited Macedonia from June 26 to July 2 and conducted a needs assessment of the parliament of Macedonia. The trip was coordinated by and conducted in close cooperation with USAID and NDI, which has been working closely with the Macedonian parliament over the past several years on legislative strengthening programs.

Macedonia is a small, landlocked republic of 2 million inhabitants that is undergoing multiple processes of transition. The poorest of the former Yugoslav republics, Macedonia continues to address challenges related to its relatively new experience with statehood and to the transition process from socialism to market-oriented democracy. In addition, Macedonia's security has been threatened by its proximity to the wars in other former Yugoslav republics and especially by its own 2001 ethnic conflict between ethnic Macedonians and Albanians, which brought the country to the brink of civil war.

Macedonia is in transition from a period of stabilization – including implementation of the Ohrid Framework agreement that ended the 2001 conflict – to a period of integration with Euro-Atlantic structures. However, Macedonia will face many internal and external challenges before the multi-ethnic, multi-religious state can claim the status of a “success story” in the turbulent western Balkan region. Macedonia is scheduled to hold its next parliamentary elections in October 2006; many officials and observers we met with spoke of the urgent need for Macedonia to achieve further reforms before the start of the campaign.

In some respects, the Macedonian Assembly has been neglected in the process of building democratic institutions in Macedonia. Members of parliament across the political spectrum expressed frustration at the parliament's poor level of development and its extremely disadvantaged position vis-à-vis the government.

The government proposes about 95 percent of all legislation and dominates the legislative agenda. Political parties dominate decision-making processes. Members of parliament complained that they have little opportunity or capacity to seriously scrutinize bills; though they do offer hundreds of amendments. The pace of legislative activity has been intensive, and is likely to increase as Macedonia begins to harmonize legislation with the European Union. Levels of committee activity vary, but committees generally do not exercise a strong role in the legislative process or in oversight functions. Perhaps most important for its future development prospects, the parliament does not control its own budget, which is part of the overall state budget administered by the Ministry of Finance. This reality hinders the parliament's ability to exercise institutional independence and conduct administrative/structural planning. Some members, including the Speaker, predicted that parliament may soon be granted greater budgetary independence; however, no political decision has yet been made.

At the same time, members of parliament and the parliamentary leadership demonstrated a very high level of receptivity to the concept of strengthening the legislature. The Speaker of the parliament has been and continues to be a strong proponent for parliamentary reform, restructuring, and capacity-strengthening. Despite strong differences between political parties on

policy issues, some members expressed the belief that MPs should “stand together as an institution,” especially on matters concerning institutional development and the parliament’s budget. The Macedonian parliament’s experience over the past few years with the legislative strengthening programs sponsored by NDI was uniformly praised; beyond the specific objectives of each program, NDI’s efforts as a whole appear to have established a very positive foundation for such cooperative programs and have fostered interest with MPs in further reforms and exposure to other democratic parliamentary systems.

The Assembly of Macedonia is a unicameral parliament comprised of 120 members of parliament. Members are elected for a four-year term under a closed party-list, proportional electoral system conducted across six election districts. Ten political parties, five independents, and 5 minority parties are currently represented in parliament. There are 18 committees; committee chairs are allocated to parties based on the proportion of parliamentary seats they hold. The extent of committee activity varied; the delegation met with the chairs of the some of the particularly active committees, including the committee on transport, communications and ecology; the committee on foreign affairs; and the committee on education, science, and sports.

The Assembly is supported by a centralized parliamentary administration comprised of 185 professional staff members who are considered part of the civil service. The administration leadership consists of the Secretary General, two Deputy Secretaries General, and nine senior advisors. Their terms coincide with the four-year electoral cycle. The Secretary General noted that some organizational and functional changes to the Assembly’s administration are being considered, such as adding staff members to the political party groups (“parliamentary groups”), enhancing the legal analysis function to the legislative department, and more clearly defining administrative functions of the staff from legislative and procedural functions.

Over the past five years, NDI has undertaken several programs designed to strengthen the parliament and legislative processes in Macedonia. Highlights among these have been NDI’s programs to work with committees on holding public hearings; institute an internship program to enhance the staff capacity of the parliament; and launch 34 constituent offices across the country to enhance member outreach to citizens. NDI has also organized member and staff study trips to other European parliaments. Under the European Union’s twinning program, the Macedonian parliament has received some assistance from the parliament of Slovenia.

In general, the Macedonian parliament is well-positioned to benefit from peer-to-peer contact at the member and staff level. As noted above, members across the political spectrum appear receptive to gaining insights from other systems and structures on both parliamentary practices and the roles and responsibilities of members of parliament. The current parliamentary leadership – whose mandate will expire with the next election cycle – is already reform-minded and actively engaged in restructuring efforts and procedural reforms.

The Commission has approved a legislative strengthening program with the parliament of Macedonia in 2006. Such a program may include assistance with committee strengthening work, with a focus on those committees that have worked most closely with the USAID-funded program; constituent relations; information technology; rules of procedure, and staff structure.



## Kenya

A five-member staff delegation of the House Democracy Assistance Commission visited Kenya from July 3 to 8 and conducted a needs assessment of the parliament of Kenya. The trip was coordinated by and conducted in close cooperation with USAID and the State University of New York (SUNY) Center for International Development, which since 2000 has been working closely with the Kenyan parliament on legislative strengthening programs. SUNY has a contract through August 2009.

Kenya began its transition to democracy in 1992, when opposition parties were legalized, and moved further in 1997, when the first free and fair multiparty elections were held. In 2002, the party of longtime president Daniel arap Moi lost power for the first time since independence 40 years earlier, and the country experienced a peaceful transfer of power, with a 60 percent turnover in the membership of parliament. The 2002 elections completed Kenya's transition to democracy and brought to power a diverse coalition of opposition parties. That National Rainbow Coalition (NARC) is fragile, which makes it difficult to pass important legislation and to implement policy.

Much of the political debate in Kenya in 2005 has focused on the drafting and ratification of a new constitution. A draft was published last month, and a referendum is scheduled for November 2005. The constitution creates a prime minister position, but leaves executive authority in the hands of the president. Parliament would remain a unicameral body.

According to USAID, Kenya is one of only a handful of African countries whose legislature has control of its own budget, administration, and staffing. For a poor country, Kenya has a well-funded parliament. The parliament itself is paying for a cable network, to be completed by the end of September, that will connect its computers and provide Internet and e-mail access. Every MP has a personal computer, a personal office, and a personal staffer. The 224 MPs earn \$77,000 a year in a country whose average income is less than \$1,000 a year. Parliament plans to spend more than \$10 million renovating its building, including the plenary chamber. In addition, several other donors have promised significant investments in information technology and other resources, although they are experiencing significant delays and political obstacles.

Rules and traditions from the days of one-party rule restrict parliament's development. Most notable are the use of closed committee hearings, the emphasis on plenary debate as the main venue for considering legislation, and fixed sitting hours limiting time for debate each week. Furthermore, the agenda for three of the four half-day plenary sessions each week is controlled by the government, including time spent questioning ministers, who are themselves MPs. Only five hours a week are reserved for all other parliamentary business. As in many parliaments, most legislation is drafted and introduced by the executive.

Reforms in the Kenyan parliament have been driven by the Parliamentary Service Commission (PSC), responsible for internal administration, which has published a 12-year strategic plan to modernize parliament. The vice chairman has been a force for reform, and he generally has the support of the Kenya Young Parliamentarians' Association, a group of MPs under 45. With 60 percent of MPs having been elected for the first time in 2002, there is a good

deal of frustration with the current rules and strong support for changes. MPs discussed their frustration with the cumbersome process for a private member's bill, which requires parliament to first pass a motion permitting an MP to draft and introduce such a bill. The parliament provides little research and drafting support.

The proposed revision to the standing orders would strengthen the role of committees by increasing the time for consideration of legislation from seven to 30 days, increasing their oversight powers, and establishing open committee hearings as the norm. The 10 committees are terribly understaffed. Most have been assigned only one clerk each, chosen out of a pool of 30 clerks whose main expertise is procedural, not substantive. The parliament is creating a cadre of committee clerks, but the practice of rotating clerk assignments makes it impossible for them to develop substantive expertise. There is a plan to augment the four-member research service so that there is one researcher for each committee, but committee jurisdiction is unmanageably broad, so that a single committee may be charged with oversight of four or five ministries. One suggested reform would expand the number of committees from 10 to 15, reducing the jurisdiction of several overburdened panels.

The USAID-funded program, implemented by SUNY, is helping to strengthen committees. The Commission could augment the work that SUNY is doing in strengthening committees; in particular, by focusing on training MPs and staff on how to conduct public hearings and to consider legislation. SUNY is also working with reformers in the parliament to establish an Office of Fiscal Analysis, which would provide a source of budget analysis independent of the executive. The resolution establishing this office is now expected to be passed in early 2006. To oversee the new office, that resolution would create a Budget Committee. The PSC has requested assistance for the budget office and committee.

The Commission has approved a legislative strengthening program in Kenya in 2006. House Members and staff could play an important role in the development of initiatives like open committee hearings, greater committee consideration of legislation, creation of a budget office, and revision of standing orders. Follow-on assistance in research, library and legislative drafting services is another possible area of support. Reformers and outside donors are currently laying the groundwork for these initiatives, and 2006 will be an important year in the development of reforms. Rather than merely assisting with reforms already underway, the Commission could have real influence in shaping the future of the Kenyan parliament as an independent and effective institution in a young and vibrant democracy.

## East Timor

A four-member staff delegation of the House Democracy Assistance Commission visited East Timor from August 23 to 27 and conducted a needs assessment of the parliament of East Timor. The trip was coordinated by and conducted in close cooperation with the Department of State and USAID, which has funded legislative strengthening programs since independence.

East Timor is the world's newest nation, independent only since 2002, and it is the poorest country in Asia. A Portuguese colony for 400 years, East Timor proclaimed independence in 1975, only to have Indonesia occupy the country a month later with the tacit acquiescence of Western powers concerned about the spread of communism in Southeast Asia. Estimates of the number of Timorese who died under Indonesian occupation range from 100,000 to 250,000. Under pressure from United Nations members, Indonesia called a referendum in 1999 in which almost 80 percent of Timorese voted for independence. Pro-Indonesian militias proceeded to destroy the country's meager infrastructure. More than 1,300 Timorese are estimated to have died, and 200,000 were displaced out of a population of about 1 million. Australia led a UN intervention force that ended the bloodshed. The UN helped lay the groundwork for Timorese independence, and the current United Nations Office in Timor-Leste (UNOTIL) is to close in May 2006.

The parliament is at a very rudimentary stage, with inexperienced MPs and staff and minimal facilities, equipment and resources. Elections in 2001 for a constitutional assembly and in 2002 for president were conducted under UN auspices and were judged free and fair. The 88-member constitutional assembly's decision in 2002 to transform itself into the parliament was rooted more in expediency than democracy, as it hastened the transition from UN to Timorese rule. While this decision was strongly criticized as undemocratic, the parliament has been accepted as legitimate. The parliament has decided that its five-year mandate will be dated from this 2002 transformation rather than its 2001 election, so the next elections will be held in 2007. The size of parliament will then be set between 52 and 65, as stated in the constitution.

Having attained independence just three years ago, East Timor is in the process of building a democratic political system, but the parliament is an ineffective check on a strong executive. The constitution provides for a substantive parliamentary role; the lack of infrastructure and experience has limited that role in practice. Legislation originates with the executive, and parliament rarely amends it. On the positive side, MPs take oversight seriously, and they have forced the government to provide them with transportation needed for site visits and field hearings that make up a large part of their agenda.

The dominant political force is Fretilin, the Portuguese acronym for the Revolutionary Front for an Independent East Timor, which led the independence struggle against both Portugal and Indonesia. The ruling party controls 55 of the 88 seats in this parliament and the executive; the remainder are distributed among 11 different parties, the largest of which has seven seats. Of the 88 seats, 13 are elected from single-member districts, with the rest distributed proportionally from a national party-list system.

The 39-member secretariat has limited capabilities. For example, of the seven staff assigned to committee work, only one has a college degree. The rest have high school, or even junior high school, educations. As a result, there is virtually no staff capacity to undertake policy research and analysis. A longer-term goal should be to develop a research service within the library as a central source of independent analysis, as there appears to be no prospect of developing the existing committee staff. MPs do not have personal staff.

Further compounding the difficulties facing the parliament is the issue of language. The national language, Tetum, lacks an adequate legal vocabulary, though it is used for debate. All legislation and other documents are in Portuguese, the second official language, which many MPs cannot read or speak, especially those in their 20s and 30s educated under Indonesian rule.

The international community has responded to the needs of the parliament, with mixed results. Of USAID-funded programs, IRI and NDI are phasing out their work with parliament, which has been limited to drafting a new election law (IRI) and security sector oversight (NDI). The Asia Foundation funds an adviser who works with three committees plus a drafting adviser. Portugal and the United Nations Development Program (UNDP) also have a presence. A problem is that international advisers don't train Timorese staff; given the limitations of local staff, the international advisers do the work themselves.

The facilities are limited. The plenary hall – an Indonesian reception hall that was renovated by Australia – is functional. Members use their plenary desks as their offices when parliament is not in session. A few bookshelves in half of the gallery house the small library, with four computers and one Internet connection. Committee meeting rooms are in trailers, known as Kobe houses, which have tables, chairs, and one desk for the chairman or clerk. Other trailers house international advisers. The foundation has been laid for trailers to house the library and an Internet room, but funding is being solicited to furnish and equip them. The parliament plans to build a new, \$7 million complex in four years, funded out of offshore oil and gas revenue just coming online.

The Commission has approved a legislative strengthening program in East Timor in 2006. This program could have significant value in helping a new parliament, at what many see as a critical juncture, assert itself as an effective institution and in helping prevent a slide toward single-party rule. A program will be less focused on technical assistance than in other countries and more concerned with basic principles of democratic governance.

In addition, parliament is searching for a donor to furnish and equip its library – virtually from scratch – and to provide computers for an adjoining Internet room. This would give MPs and staff the space and facilities to undertake independent research and analysis, as well as giving them an alternative place to work. Experts from the Library of Congress could work with USAID to implement this program. In addition, the Library of Congress could help design a library management system and prepare a library development plan. The Commission could work with the Library of Congress to provide materials; other donors probably would also provide books and other materials. This project could be the first step in establishing a research service for the parliament.

## Indonesia

A four-member staff delegation of the House Democracy Assistance Commission visited Indonesia from August 27 to September 2 and conducted a needs assessment of the parliament of Indonesia. The trip was coordinated by and conducted in close cooperation with NDI, which had worked closely with the Indonesian parliament for several years on legislative strengthening programs.

Comprising an archipelago that sits astride the main sea lanes of Southeast Asia, Indonesia is the largest Muslim country in the world and the fourth-most populous nation, with an estimated 238 million citizens. It is of great importance as a regional power and as an example of a tolerant, secular Muslim-majority society that has embraced democracy in the past decade. Indonesia is on the front lines of the war on terror, with homegrown Islamic extremist movements, like the one that carried out the bombings on the island of Bali in December 2003.

Indonesia has made great strides toward democracy, but institutions have not kept pace with political reforms, and the parliament is still not independent of the executive. The parliamentary secretariat is a division of the Ministry of State Apparatus, and the Secretary General is appointed by the President. Furthermore, parliament's budget is set by the executive and administered by a government bureaucrat.

President Suharto's resignation in 1998 was followed in 1999 by the first free and fair parliamentary elections in decades. Since the 1999 elections, the DPR has played an important role in consolidating democracy and passed legislation that established direct presidential elections. The parliament asserted its independent role in government in 2001 when it ousted President Wahid from office over two scandals.

Elections in 2004 were judged free and fair and included the first-ever direct presidential election. Almost 70 percent of those elected to the 550-member House of Representatives (DPR) were elected for the first time. Many of these are committed democrats who nonetheless lack experience as legislators. This has been reflected in the performance of the current parliament, which has not passed a law during its first 10 months in office. Members are elected by party list from multiple-member electoral districts. It is actually the party that holds the seat; parties can replace MPs on their list if they wish, so party discipline is strong.

The most notable element of Indonesian democracy is the decentralization plan that is shifting power from the central government in Jakarta to the 33 regional governments and to the 357 districts, which are now responsible for providing most government services. USAID is reducing its work with the national parliament to focus on regional and district legislatures. NDI has worked with individual MPs, researchers, and expert staff from the finance, legislation, and household affairs committees, but funding will run out in March 2006. USAID has shifted most of its parliamentary strengthening program to the Asia Foundation, which worked with an Indonesian NGO to develop a legislative information website. The Asia Foundation also plans to underwrite four economists who will advise four committees on budget analysis.

The DPR oversees government policy and approves the budget, but budget information is limited to members of the Budget Committee. The House holds government officials accountable, sometimes through public hearings. Most legislation originates with the executive, but members have the right to introduce bills.

While the DPR is the supreme legislative body in the country, it faces two major institutional challenges to becoming an effective, independent institution. First, the legislative budget is set by the executive branch, and most MPs outside of the Budget Committee do not have access to details. Second, the 1,400 personnel of the Secretariat are employed by the executive branch and are part of the executive branch civil service. This set-up also makes it impossible for the Secretariat to hire mid-career experts; new hires must enter the civil service at the bottom, meaning that it can take years to develop needed policy expertise.

There are some parliamentary staff outside of the Secretariat. Each MP has a personal staffer, akin to a scheduler or staff assistant. There are also a total 119 “expert staff” outside of the Secretariat. Each committee hires three expert staff, and each party can hire three to 14 staff based on the number of seats it holds in parliament. Those experts are in addition to the support staff that the Secretariat assigns to each party and committee. Expert staff salaries are set at the same low level as the Secretariat, hurting efforts to recruit talented professionals.

There are further obstacles to the DPR becoming an effective legislature. The constitution states that any legislation introduced be the outcome of joint discussions between the executive and the DPR. So, while there is no way for the executive to veto a bill that is passed, the executive exercises a de facto veto over what legislation is introduced. In practice, most legislation originates with the executive anyway. Individual amendments to legislation are rare. Instead, if parliament changes a bill, a substitute is introduced, in consultation with the executive.

Parliamentary politics are likewise unfamiliar. Unlike most parliaments, the 17 parties in the DPR have not formed a majority, an opposition, or blocs of any kind. The Golkar party is the largest, with just 23 percent of the seats. Furthermore, there is a cultural tradition of consensus.

Members of the Household Affairs Committee (BURT) are working to reform the structure of parliament; in particular, to give parliament control over its own budget and its own staff, so that both can serve the needs of members. Members also recognize the need to improve the flow of information available to the public. Likewise, the Legislation Committee (BALEG) is working to reform the rules of procedure; several of its members were in Washington this summer to learn more about House rules.

The Commission has approved a legislative strengthening program in Indonesia in 2006. Given the strong internal efforts to reform the budget and staff structure of parliament, as well as the support of the speaker, a Commission program in Indonesia could help advance the development of the DPR as an independent effective legislature. A program may include assistance on writing an independent legislative budget, managing legislative staff, analyzing the government budget, and media and constituent outreach efforts.

## **Proposed Commission Activities in 2006**

### **Introduction**

Section 5(a) of H. Res. 135 provides that the Commission shall undertake activities in three broad areas: 1. Provide expert advice from House Members and staff to members and staff of parliaments of selected countries; 2. Enable members and staff of parliaments of selected countries to learn about the operations of the House of Representatives; 3. Provide recommendations to the administrator of USAID regarding the provision of material assistance.

The Commission will carry out the first activity by organizing series of delegations of House Members and staff to visit each selected country. Those delegations will meet with members and staff of the parliament of each selected country and will offer expert advice in areas requested by each parliament. The commission will carry out the second activity by organizing a program in the United States for members and staff of selected parliaments. The commission will make recommendations regarding the provision of material assistance to the administrator of USAID on the basis of the findings of the staff assessment visits and the upcoming congressional delegations.

### **Outbound congressional delegations**

The Chairman and Ranking Democratic Member will appoint one Republican and one Democratic Member of the Commission to lead a delegation to each selected country. The delegation leaders will ask other House Members and staff to participate in the delegation, in particular, seeking Members and staff who have the specific expertise requested by the selected parliament. Possible areas of assistance are described in each country section above.

The first Commission delegation will visit Indonesia and East Timor in February 2006. The second delegation will visit Kenya in April 2006. The third delegation will visit Georgia and Macedonia in May 2006.

If the Commission approves programs in Lebanon and/or Ukraine, a delegation would visit those countries in July 2006. Delegations would visit Afghanistan and/or Iraq later in the year, provided that the Commission decides to undertake programs in those countries in 2006.

### **Inbound parliamentary delegations**

The Commission will invite members and staff from the parliaments of the five selected countries to participate in a two-week program in the United States in January 2006. The participants from each country will be selected in consultation with the U.S. Embassy, the USAID Mission, the implementer of the USAID parliamentary strengthening program, and the Speaker of each selected parliament. The program for each delegation will include several days in a state legislature, several days in the district of a Commission Member, and one week in Washington, both in the House of Representatives and with relevant outside groups.

If the Commission approves programs in Lebanon, Afghanistan and/or Ukraine, the Commission may invite members and staff from selected parliaments to participate in a similar program in the United States in August 2006. If the Commission approves a program in Iraq, the Commission could invite members and staff of the Iraqi parliament to participate in a U.S. program in late 2006 or in 2007.

The Commission is working with the American Council of Young Political Leaders (ACYPL) to help organize the inbound delegation. ACYPL has 40 years of experience in organizing such programs for political leaders, and the organization is a traditional public-private partner of the Department of State. The Commission has requested that the Department of State provide funding for the inbound delegations through the Citizen Exchange Program.

### **Recommendations to the USAID Administrator**

The Commission anticipates recommending to the administrator that USAID provide limited material assistance to the parliaments of East Timor and Macedonia. The Commission does not anticipate recommending material assistance for the parliaments of Georgia, Kenya or Indonesia. Depending on the findings of upcoming staff assessments and congressional delegations to Lebanon, Afghanistan, Ukraine and Iraq, the Commission may recommend that material assistance be provided to one or more of those countries.

In East Timor, the Commission anticipates recommending that USAID furnish and equip the parliamentary library of East Timor. The parliamentary library is ill-equipped, with four computers, one Internet connection, and a limited supply of books and other materials. Plans call for the library to move into a trailer next to the parliament building, with an adjoining trailer to be used as an Internet room. The parliament is searching for a donor to furnish the library, refurbish the Internet room, and purchase and install 10 computers and related hardware. Experts with the Library of Congress and CRS would be able to help guide the development of the library into a true resource for an underserved parliament.

The administrator may wish to notify the parliament of East Timor and the United Nations Development Program that USAID may fund this project. He may also wish to ask the USAID Mission in East Timor to estimate the work required and the possible cost of this project, in advance of the visit of a Commission delegation in February 2006. This may allow Commission Members and the USAID Mission director to sign a memorandum of understanding with the leaders of the parliament when the delegation is in East Timor.

In Macedonia, the Commission anticipates recommending that USAID purchase and install a computer server in the parliament. The parliament's IT director told the staff assessment delegation that his greatest need is to increase server capacity to be able to handle document management and help to create a legislative information system. Prior to making a formal recommendation, the Commission may send an information technology expert to Macedonia to review plans to create a legislative information system and identify the needed equipment.