CENTER FOR DEMOCRACY AND GOVERNANCE

"...promoting the transition to and consolidation of democratic regimes throughout the world."

USAID HANDBOOK ON LEGISLATIVE STRENGTHENING

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ABOUT THIS PUBLICATION
This handbook is intended to help USAID field staff make informed decisions with regard to legislative strengthening strategies. It outlines a framework for assessing the needs of legislative bodies and designing appropriate responses to those needs, and describes legislative strengthening work carried out by USAID and others.

Comments regarding this handbook and inquiries regarding USAID's ongoing work in the area of legislative strengthening should be directed to

ABOUT THE CENTER
The Center for Democracy and Governance is the U.S. Agency for International Development's focal point for democracy and governance programming. The Center's role is to provide USAID and other development practitioners with the technical and intellectual expertise needed to support democratic development. It provides this expertise in the following areas:

- **Rule of Law**
- **Elections and Political Processes**
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- **Governance**

ACKNOWLEDGMENTS

John K. Johnson
John K. Johnson is a legislative/parliamentary development specialist with the State University of New York, International Development Group (SUNY/IDG). He has served as project director for major USAID legislative strengthening projects in Bolivia, Chile, Mexico, and Uganda, and has consulted with USAID, United Nations Development Programme (UNDP), U.S. Information Agency, and the Organization of American States (OAS) for legislatures in Latin America and Africa. John is project director for the Legislative Strengthening Activities Analysis project, in collaboration with the USAID Center for Democracy and Governance of the Global Bureau and was also project director for the 1996 Conference on Legislative Strengthening held in Santa Cruz, Bolivia. He is the U.S. member of the UNDP Expert Panel on Legislatures. John has lived in Kenya, served as a U.S. Foreign Service officer in Mexico, and was a committee director for the New York State Senate. He has a B.A. in government from St. Lawrence University, and two M.A.s, one in political science and one in African studies, from SUNY-Albany, where he completed coursework for a Ph.D. in political science.

James D. Kent
James D. Kent is a member of the public administration faculty at Marist College in New York. Prior to his academic career, he had more than 20 years of experience as a senior staff member with the legislatures of Illinois, Louisiana, New Hampshire, and Ohio. He has lived in the Philippines and American Samoa, and has consulted with legislatures in Hungary, Kazakhstan, and Uganda, among others. James has been active in the National Conference of State Legislatures throughout his career, serving on its Legislative Management Committee and as a member of the board of the National Legislative Program Evaluation Society. Legislative staff, auditors, and others frequently call upon him as a consultant or trainer. James has a B.A. in political science from the University of Florida, and an M.P.A. and Ph.D. from SUNY-Albany.

Robert T. Nakamura
Robert T. Nakamura is professor of political science and public affairs at the Rockefeller College of SUNY-Albany. He is co-author of five books, including *The Politics of Policy Implementation* (St. Martin's Press) and *Cleaning Up the Mess* (Brookings). He has received grants and contracts from a

number of sources, including the National Academy of Public Administration, National Endowment for the Humanities, Ford Foundation, U.S. Environmental Protection Agency, National Institute of Education, Clean Sites, and the Business Roundtable. Robert has been a consultant to the U.S. General Accounting Office, New York State Assembly, National Science Foundation, USAID, UNDP, and the Inter-American Development Bank in Bolivia, Bulgaria, Peru, Rwanda, Uganda, and Zimbabwe. In addition, he has conducted policy studies in Denmark, Germany, Japan, Korea, the Netherlands, and in the offices of the European Community.

State University of New York, International Development Group (SUNY/IDG)
SUNY/IDG served as the primary contractor to develop this handbook. The SUNY/IDG home office in Albany, New York is an integral part of the SUNY System Administration; it reports directly to the SUNY provost. As a system-wide office, SUNY/IDG draws on the considerable resources of all the SUNY campuses as well as a wide network of outside consultants and partner institutions. SUNY is the largest completely integrated university system in the world. SUNY's many academic-based organizations and institutes support SUNY/IDG's efforts worldwide. In addition to the SUNY system's considerable technical and intellectual resources, SUNY/IDG works with partners worldwide to ensure successful fulfillment of its projects. Since its inception in 1986, SUNY/IDG has designed and implemented more than $68 million of international development projects on four continents focusing on three major areas: environment, health, and education; democracy and governance; and private sector and economic development.

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EXECUTIVE SUMMARY

Legislatures are *the people's branch* of government, the institution where citizen interests and preferences are expressed and transformed into policy, and the point at which, at least potentially, people most closely engage their national government. As such, legislatures are key to achieving the democratic potential embodied in free and fair elections. While legislatures are central to democracy, they tend to inherit a position of weakness relative to the executive. Moreover, legislatures must function effectively to reinforce democracy and make public policies effective. If the voices of those most affected by government policies are not heard in the policymaking process, those policies will not be as successful as they can be.

Legislatures fulfill a number of important functions in a democracy: they *represent people and groups*, reflecting and bringing their needs, aspirations, problems, concerns, and priorities to the policymaking and policy-amending process; they *make laws,* the rules that govern a nation; and they *practice oversight,* assuring that laws and programs are carried out legally, effectively, and according to legislative intent. The representation function is fundamental, for it shapes the democratic character of the other two functions. Legislatures can legislate and conduct oversight, but without effective mechanisms of representation, they cannot be democratic, and are not likely to act in the interest of society as a whole.

When a legislature is ineffective in carrying out its functions, society suffers. There can be a number of reasons for an ineffective legislature. If legislative links and communication with society are weak, then that legislature performs its representation function poorly. Electoral systems and political parties may provide little incentive for legislators to reach out to civil society and constituents; legislative rules and facilities may discourage citizens and groups from dealing with the legislature; and civil society may not be organized and equipped to interact successfully with the legislature. Political rules and traditions may discourage the legislature from playing effective lawmaking or oversight roles. Inadequately prepared legislators and staff, and insufficient control over resources also combine to limit legislative lawmaking and oversight performance.

This handbook is designed to assist USAID Missions in developing strategies to help legislatures function more effectively and to perform their functions more democratically and representatively. It explains the importance of legislatures in a democracy, describes structural and other factors that influence legislative behavior, and enumerates problems legislatures commonly face. It then presents an assessment framework that is designed to help USAID field officers pinpoint the weaknesses and understand the capabilities of their host-country legislature. The following section identifies various assistance activities designed to address the weaknesses and take advantage of strengths discovered in the assessment. The handbook concludes with a number of considerations for implementing legislative programs and a presentation of emerging issues in legislative strengthening.

The legislative assessment framework, in conjunction with the overall democracy and governance strategic assessment framework (*Conducting a DG Assessment: A Framework for Strategy Development [Advance Copy]*, December 1999), will help determine when USAID might conduct a legislative strengthening program and what the program should look like. The timing of making the investment to support a legislature will depend on the nature of the principal democratic problems faced by a country, as found in the DG strategic assessment framework, and the opportunities that arise that have a strong potential for impact. Whatever the rationale for working with a legislature, the design of an effective

program will take into account the unique institutional and societal conditions of the country, interests of stakeholders, and the specific legislative weaknesses and capabilities in each of five areas: political will and domestic support, representation, lawmaking, oversight, and infrastructure and management. A summary chart on page 55 provides an overview of the activities described in the handbook, organized by the areas they are intended to support.

In recent years, legislative strengthening programs have come under fire with questions about the strategic investment of resources when providing assistance to legislatures. The handbook responds to those criticisms by providing a strategic framework for program design. To this end, it makes a number of important points.

First, political institutions—the structure of the legislature, the distribution of power and authorities between the executive and legislature, the electoral system, and the structure of political parties and their fragmentation within the system—not only shape political outcomes but have important implications for programming, affecting both the design and the targets (party caucuses, committees, individual legislators, legislative leaders, staff, etc.) of the programs. As a result, USAID programming must give greater consideration to these institutions so programs reflect the particular conditions within a country.

Second, *support for legislatures needs to be given with the objective of promoting democratic development*. Institutional development—creating a better organization, standardizing processes, having better infrastructure and equipment, and increasing staff—while sometimes essential, is not sufficient. Because one of USAID's explicit development goals is the promotion of democracy, missions have the latitude—if not the obligation—to work on the more political, and more inherently democratic, functions of representation, lawmaking, and oversight. In particular, political parties, as central actors within a legislature, deserve greater attention as targets of assistance for helping legislatures develop democratically.

Third, programming needs to take greater advantage of synergies between legislative strengthening and other democracy and development sectors. Legislatures play—or, in a democratic political system, should play—a central role in all areas of policymaking and governance. As a result, the potential for cross-sectoral linkages and programming is tremendous. Activities that strengthen the legislature can, in fact, principally aim toward results in other sectors. For example, a mission assisting a government to pass or implement health reform may help develop expertise among pertinent legislative members and staff in the issues relevant to health reform by training them in techniques that foster public input and sound, empirical policy analysis, or in methods of executive oversight. Missions can improve the democratic effectiveness of the legislature as well as increase the likelihood of attaining results under a mission's formal strategic objective.

The emphasis on strategic programming notwithstanding, legislative strengthening programming is an art, not a science. Carrying out assessments and understanding the proper roles of legislatures and their constituent parts (parties, members, staff), the factors that affect legislative performance, and the purposes of specific programming activities will not inexorably lead to certain results. Like in art, however, there are principles, skills, and knowledge that define guidelines for making informed judgment calls that will likely result in effective programming. The purpose of this handbook is to contribute to that end.

I.   INTRODUCTION

U.S. support for strengthening legislatures is not new. The United States has supported the democratic development of legislatures off and on for much of the 20th century. After World War II, the United States, with the expert assistance of the U.S. Library of Congress, supported the development of both the German Bundestag and the Japanese Diet. During the 1970s, USAID funded a number of U.S. universities, which conducted legislative study tours, exchanges with legislatures in other nations, and comparative research on legislatures.

It was not until the late 1980s and early 1990s that USAID programming in legislative strengthening began in earnest. Initial legislative support programs focused on redressing the balance of power between the legislature and the executive by building the technical capacity of legislatures. Perhaps best exemplified by the Frost Task Force/Congressional Research Service program in Eastern Europe, these efforts introduced computer technology in legislatures, and trained professional library, research, and committee staff.[1] They were designed to help legislatures acquire the tools they needed to function more effectively and to perform their lawmaking/policymaking role.

USAID legislative programs expanded in the mid- to late-1990s to emphasize relations between the legislature and civil society. Newer programs, while also supporting institutional development, sought to assure that legislatures become more open and more responsive to the needs and desires of citizens and groups in society.

As with programs in other democracy subsectors, the changes in level and emphasis of legislative strengthening programs coincided with the spread of democracy globally and USAID's adoption of democracy promotion as one of its priority principal goals of development in 1994. Over the years, USAID has had to make difficult decisions about which of the variety of the democracy and governance needs to support within any given country. Why, then, should a USAID Mission consider investing program resources in strengthening a legislature? There are a number of good reasons USAID Missions support legislative development:

Effective, representative legislatures bring benefits to the large majority of citizens. Ideally, in democratic societies, governments consult with citizens about their preferences and receive their consent for collective decisions. Legislators and parties whose political futures are more closely linked to satisfied voters than are those of executive bureaucrats are often more attentive to constituent concerns. Political scientist Nelson Polsby has characterized legislatures as the "nerve ending" of the polity.[2] As representative institutions, legislatures are the arena where the democratic potential of elections is transformed into reality.

In addition to enhancing the performance of democracy in developing countries, assistance to legislatures furthers overall national development. Amartya Sen's frequently cited finding, that no modern democracy has undergone a famine, suggests that democracies cannot easily insulate themselves from popular suffering.[3] As a result, elected representatives and their parties, if they are to continue in office,

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[1] The Frost Task Force was a U.S. House of Representatives special task force on the development of parliamentary institutions in Eastern Europe. It was named after the task force's chairman, Rep. Martin Frost (D-TX).

[2] Nelson W. Polsby, "Legislatures," in *Handbook of Political Science: Government Institutions and Processes*, eds. Fred Greenstein and Nelson Polsby (Reading, MA: Addison Wesley, 1975).

[3] Amartya Sen, "Democracy as a Universal Value," *Journal of Democracy* 10:3 (July 1999): 7-8.

must be especially sensitive to the needs and interests of their constituents. Effective legislatures should listen to and be able to respond to constituent concerns.

Effective legislatures support additional good governance objectives and U.S. foreign policy goals. Governance trends that the U.S. supports—reducing state control over economies, devolving power closer to people, and requiring greater government transparency—develop best with input from society, and legislatures are uniquely equipped to play the role of mouthpiece of the public interest. Effective legislatures improve good governance when they formulate clear laws that respond to the needs of citizens and ensure their implementation through oversight.

For example, the United States supports the development of free economies, which require clear, consistent "rules of the game," to reduce government discretion and encourage investment and economic growth. As the branch of government responsible for listening to popular concerns and amending public policy to respond to them, legislatures can pass new property, contract, and penal codes that encourage investment and growth and, at the same time, take into account the human costs of these changes.

For decentralization programs to be effective, statutes should be developed in consultation with those affected by them, and the national legislature has great potential to serve as the mechanism for that consultation. Public hearings, informal meetings between legislators and constituents, and political party input at the local level can assure that this consultation takes place.

Finally, the growing demand for effective, transparent government requires legislatures to play their oversight role successfully. Legislatures can help reduce corruption and

improve government performance as they practice effective oversight and enact laws to improve government performance.

USAID legislative strengthening activities can make a difference. For a variety of reasons, legislatures almost always inherit a position of weakness vis-à-vis the executive. Executive resources, even in very poor nations, tend to dwarf those of the legislature; legal powers often favor the executive; political party structures undermine the ability of legislatures to play their representative function; and so on. In addition, as this handbook will illustrate, legislative weaknesses, in terms of staffing, member preparation, outmoded rules and traditions, and weak links with citizens also contribute to undermining legislative effectiveness.

Many of the examples contained in this handbook illustrate how USAID legislative programs have helped legislatures carry out their representation, lawmaking, and oversight functions more effectively. Following are a few specific examples:

• After USAID provided funding for two of Malawi's parliamentary clerks to participate in a "staff attachment" program with the Maryland State Legislature, several procedural changes were made based on their observations of the United States. The changes resulted in two first-time occurrences: adopting a procedure that referred all bills to committees and holding public hearings, which included testimony of "outside" witnesses, by a committee.

• USAID provided the funding for "NCOP Online!," which uses the Internet and other communications technology to link South Africa's National Council of Provinces (NCOP) to the provincial legislatures and local government associations. NCOP, established as the second chamber of the South African Parliament in 1997, is a unique

body created to facilitate provincial and local government participation in the national legislative process. NCOP Online! simultaneously allows public access to the information provided to the subnational bodies. Citizens can also use NCOP Online! to submit comments directly to NCOP committees.

- USAID assistance to the Congreso de Bolivia in the early 1990s enabled it to introduce professional budget staff. The new staff identified more than $100 million in errors in the executive's proposed budget over a two-year period, which forced the executive to revise its budgets to get them enacted.

- USAID assistance to the Congreso de la República de Guatemala in the late 1990s enabled it to establish a center that conducted research necessary for the implementation of the nation's peace accords.

- In Romania, USAID assisted legislators with an innovative program of establishing district offices, despite the fact that legislators were elected by party list. District offices have made legislators and their parties more accessible to the citizens they represent.

- USAID helped establish or provided support to legislative modernization groups in such countries as Bolivia, Mozambique, Nicaragua, and Uganda. These groups helped build support for legislative strengthening and reform efforts, in some cases bringing sharply divided political parties together to work to develop their legislature.

The Role of USAID's Center for Democracy and Governance

One of the roles of the Center for Democracy and Governance is to collect and analyze USAID's experience (particularly over the last decade and a half) in the democracy and governance field. Based upon its specific experience in assisting legislatures, the Center is working to develop a more strategic approach for deciding how best to allocate scarce resources for greatest democratic impact. This handbook, along with other publications and conferences on legislative development, supports this goal.

Purpose of the Handbook

The purpose of this handbook is to assist USAID Missions and their partners as they design and implement legislative programs. It contains the following sections:

- An overview that provides a general understanding of legislatures and discusses their importance, their functions, and how and why legislative structures and processes vary (Section II)

- An assessment framework designed to help field officers understand the particular capabilities and weaknesses of the host-country legislature (Section III)

- Specific programming activities that address the weaknesses identified in Section III (Section IV)

- A conclusion that provides practical considerations for conducting successful legislative strengthening programs, as well as comments on emerging issues in legislative strengthening (Section V)

- Appendices that provide sample legislative assessment questions, an outline of how differences between parliamentary and presidential regimes affect the behavior of legislatures, and a select bibliography

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II. UNDERSTANDING LEGISLATIVE BODIES

Even autocratic regimes often have some sort of collective institution to debate and ratify public policies. Legislative bodies with institutional self-awareness and independent authority, however, carry out much more than consultation and ratification. They actively shape policy and oversee its implementation in ways that represent the values and interests of the citizenry.

While each legislature is different, this section presents an overall framework for understanding legislative bodies, what they do, and the variety of legislative structures and processes.

A. The Functions of a Legislature[4]

Legislatures are complex and multi-faceted organizations. Analysts have identified a plethora of purposes and functions that legislatures fulfill. This handbook organizes this variety into three basic functions: representation, lawmaking, and oversight. These functions are facilitated by effective self-management and an infrastructure that meets the needs of the legislature.

1. Representation

Representation is central to the democratic functioning of a legislative body. A legislature that is not representative of and accountable to the people undermines the nature of democracy in a country.

Democracy can only be realized when legislators have the will, ability, and information to make decisions that reflect the interests and needs of society. Likewise, the people must have the will, ability, and information to transmit their needs and interests to the legislature, to evaluate the performance of legislators and their parties, and to reward or sanction their actions.

Legislatures can represent citizens in different ways, depending on their laws and traditions. Election systems may be designed so legislators reflect their constituents' demographic characteristics and/or share their political and social views. Legislators may be expected to vote exactly as their own constituents would prefer, to follow their party and vote strictly along party lines, or to assess and vote for the long-term interests of all citizens—even if their own constituents disagree. In some situations, the legislative body is expected to support virtually all proposals of the executive or at least of the member's political party. In other cases, legislators want to develop their own positions and to negotiate actively with the executive to reach agreement. In still others, the legislature may oppose virtually all executive proposals.

Citizen expectations may be voiced, sometimes implicitly, through the electoral process. Elections, however, are only one entry point for citizens into the political process; they do not in themselves constitute full citizen participation in governance. After elections are held, the degree to which individuals and groups have access to the legislative body, or at least a legislator's ear, helps determine the legislature's degree of representation. Is access restricted, either by law or in practice, to certain groups of citizens, or can all individuals approach the body? To what extent and by what means can citizens get their concerns onto the legislative agenda? Are citizens able to find out what is currently proposed in the legislature? To what extent can they influence legislative outcomes?

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[4] The handbook uses the generic term "legislature" to avoid confusion between types of legislatures. In this document, "parliament" refers to a legislature in a parliamentary system.

To some extent, representation is an end in itself. If the legislature is truly representative, its decisions are given social legitimacy, enhancing political stability. However, representation clearly supports the other two legislative functions as well: an open, representative body will make laws that are more broadly accepted in content and process, and will also be more effective in its oversight of government programs.

2.   Lawmaking

When people are asked what legislatures do, the most common and immediate response is "They make laws." In practice, this simple statement encompasses a wide range of activities. Most legislatures have ample lawmaking authority in theory, under their national constitution, charter, or other foundational documents or traditions. In practice, though, broad ideas must be turned into specific proposals that can be analyzed, deliberated, and then drafted into formal legislation. For this to be done effectively, legislators and their constituents need to track proposals at various stages of the legislative process, and to be given an opportunity to influence them before final adoption. This ordinarily must occur within some specified timeframe.

The legislature may not, however, be able to mobilize the resources needed to participate actively in the lawmaking process. Weak legal authority, ineffective leadership, cumbersome and non-existent committee processes, poorly trained staff, or lack of information may cause problems. Because lawmaking is the most visible activity of legislatures, effective lawmaking may mean more than the passage of specific legislative initiatives; it can also contribute to the strengthened legitimacy of the legislative body itself.

3.   Oversight

Laws and public programs often do not turn out as expected or intended, whether due to design flaws, implementation problems, or social or economic changes. Further intervention by the legislature may be needed to detect and correct problems. Thus, oversight of executive programs and activities is critical to an effective legislature and to effective democratic governance.

Oversight includes investigation to detect waste and corruption, formal audit or evaluation to assess program effectiveness or efficiency, and hearings to air issues or concerns. Legislatures vary in their ability and willingness to undertake these activities, depending on constitutional structure, access to budget information, powers to review and amend budgets, power to confirm and remove executive appointments, and the relationship of parties in the legislature to parties in the executive. Conducting oversight of the executive may be less politically rewarding than sponsoring legislation or serving constituents, and may even be politically dangerous. However, vigorous oversight promotes accountability of the executive more effectively than any other mechanism, and, thus, is basic to a strong legislature.

Associated Operations

In order to facilitate the performance of its democratic functions, a legislature must also tend to issues of internal management. As with any organization, management and infrastructure problems can hinder a legislature from performing its core democratic functions effectively. Some problems are clearly administrative and organizational; others may be political. In any case, a legislature without adequate space, computers, or records has an infrastructure problem. Needed resources may include staff, physical facilities, or equipment; timely access to useful information; or adequate organizational structures and processes. The

breadth of this list of needed resources suggests the complexity of assessing such needs.

Rarely is there an instance when programming should focus wholly, or even mostly, on administrative or infrastructure support. The point of strengthening internal management or of providing commodities is to support specific efforts to improve a legislature's democratic functions. In other words, *the objective is not just to make a legislature operationally effective; ultimately it is to help to strengthen democracy*. Results of operational efficiency are insufficient to justify continued support.

B.   Varieties of Legislative Structures and Processes

An effective legislative body brings to its work the values and preferences of all its constituents and then negotiates policies that reflect the broadest possible negotiated consensus among them. Each legislature is unique, since the set of values and preferences of each body politic is unique. In addition, each legislature is constantly changing, as both its membership and its constituents' preferences shift. Patterns, however, can still be discerned.

1.   *Presidential, Parliamentary, and Hybrid Systems*

People raised in the United States are quite familiar with the presidential form of government, where the executive and the legislative branches are elected separately and often for terms of different duration. The president and members of the cabinet are not members of the legislature. Thus, the executive may not have majority support in the legislative branch, which may be controlled by other parties or factions. Even when the executive and the majority of the legislature are of the same party, the legislative branch is somewhat independent of the executive, owing to its different constituencies and the fact that tenure of the

president does not depend on the confidence of the legislative branch.

In a parliamentary system the chief executive and cabinet are also members of the parliament, selected from the majority party or coalition within the legislature. All members of parliament are elected simultaneously for terms of the same length. The legislature is expected to support the executive, whose loss of legislative support on a key issue can trigger a crisis and often the formation of a new government. Overt legislative-executive conflict is rare, and legislative influence in policymaking and oversight is more subtly exercised via processes different from those in presidential systems.

Many national systems are actually a hybrid of some sort. In most hybrid systems, a president is elected separately and has primary responsibility in certain policy areas, while the prime minister, often appointed by the president from the legislative majority, exercises jurisdiction in other matters. In hybrid systems, the policymaking process and forms of inter-branch conflict are determined largely by the specific distribution of formal authority and by the traditions and history of the particular polity.

These differences in regime type necessarily have an effect on the role and power of a legislature and its constituent parts (individual members, political party caucuses, the leadership, committees, staff, etc.), which in turn affect the choice of objectives, approaches, targets, and results of programming. For example, because in a purely parliamentary regime the viability of the government depends on the continued confidence of the parliament, political parties and their leadership play a paramount role and individual members— particularly backbenchers—have less power and less opportunity to affect the policy process directly. Because of the fusion of the legislature and executive, committees have less of a role to play, for policy decisions tend to be made within

the ruling party or coalition and the ministries of government.[5] In addition, committees have less of a role in parliaments because oversight of the executive is carried out by the party or parties in the opposition. Another consequence of a parliamentary constitutional structure is that conflict over policymaking is played out within the ruling coalition and between the government and opposition parties.

In a presidential system, on the other hand, the separate election and sources of legitimacy of the legislature and the executive imply different roles for political parties, individual members, and the legislature as a whole. Coalitions tend to be more *ad hoc* for the purpose of passing specific pieces of legislation, instead of forming a government. This institutional arrangement creates the potential for an important role for committees. Moreover, while conflict among parties is important in a presidential regime, the central locus of conflict over policymaking usually resides between the legislature and the executive. Hence, legislative-executive relations take on greater significance. (For more comparisons between legislatures of parliamentary and presidential regimes, see Appendix B.)

Many newer governments and constitutions are presidential or mixed in nature, so USAID Missions are more likely to encounter these forms than the pure parliamentary form. In addition, U.S. staff and contractors will tend to be more familiar with presidential systems. However, many of the principles laid out in this handbook apply to legislatures in all three types

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[5] Over the last quarter century, committees in mature democracies in Western Europe have increased in importance. See Lawrence D. Longley and Roger H. Davidson, eds., *The New Roles of Parliamentary Committees*, The Library of Legislative Studies (London: Frank Cass, 1998). Despite this recent evolution, however, committees still play significantly less important roles in parliamentary systems than they do in presidential ones.

of governments. Practitioners in the field can point out where sharper distinctions should be drawn.

2. *Parties, Factions, and Electoral Systems*

The strength and composition of political parties and factions interact with the presidential-parliamentary dimension and with the nature of the electoral system to yield distinctive patterns of legislative form and behavior. For example, the presidential system of the United States and its states is characterized by bicameral legislatures, relatively small electoral districts with frequent elections, and diminishing party authority within two overwhelmingly dominant, but highly competitive, parties. Sophisticated analysis is not required to surmise that such a system has considerable inter-branch and partisan conflict leading occasionally, or even frequently, to deadlock. On the other hand, Mexico was until 1997 a presidential system with one dominant party. This mitigated the conflict-producing effects of the presidential structure, and resulted in a low degree of inter-branch conflict, but also little competition.

Among parliamentary systems, the absence of a single dominant party, as in Israel in recent years, leads to a high level of political conflict, resulting in frequent coalition changes and even new elections. With a single party dominant in a parliamentary system, as in Japan until recently, the very lowest level of conflict would be expected, although intra-party disputes can be frequent and of great consequence.

Another key issue in party or faction strength is the reward system. For example, can the party effectively withhold campaign funding and other resources from a candidate? Is party structure and strength affected by clientelism or ethnicity? The party structure's level of centralization affects party discipline, both in general and within the legislature, determining whether

members of the legislature are more beholden to their national party or to local groups at home.

Electoral laws and practices, such as size and composition of constituencies, frequency of elections, and methods of getting onto the ballot also affect legislative behavior. For example, members who must live in and be elected directly by their districts (especially small, single-member districts) will generally be more responsive to their constituents than those who can live elsewhere. Local residence will tend to undermine party discipline, even in a parliamentary system. The same is true when elections are more frequent; when formal endorsement from party leadership is not required to get onto the ballot; where there are primary elections; or where it is relatively easy to run as an independent. (Some systems combine geographic constituencies with interest-group representatives, as in Uganda, or with party national lists, as in Hungary. In such cases, legislators' behavior will be most influenced by whoever, party leaders or electorate, has the greatest ability to return them to their seats.)

Campaign finance laws and practices also mediate legislators' behavior. Where individual fundraising is permitted and important, influence will migrate to those members most able to raise money, sometimes at the expense of both party discipline and constituency interests.

Clearly, the permutations are virtually endless. Within these permutations, however, there are patterns and structures which can be understood, and which make it possible for a person without specialized training to look at the whole package of conditions and reach plausible conclusions about expected legislative behavior. Many of these patterns and structures are discussed in this document.

Developing reasonable expectations based on actual conditions is important in deciding whether a particular legislature, at a particular time, is in need of strengthening and whether it is worth the risk of investment. For example, if the U.S. Congress suddenly started passing everything the president proposed, it would raise questions, but for the British Parliament to do so is perfectly normal. In addition to establishing expectations, understanding how these factors affect the behavior of legislatures can help in the making of strategic decisions about the type of activities to fund and to whom or where to target them.

In designing legislative strengthening programs and activities where party or faction disputes are profound and acrimonious, it is important to ensure that all or virtually all parties or factions represented in the legislature are actively engaged in the planning process. Every party or faction will need to have its share of participants in any further activity. In some places, this may significantly increase the cost of the programs.

3. Internal Power Distribution

In some legislatures, power is highly centralized. A select few leaders decide on agendas, work assignments, and the fate of most proposals. In other bodies, power is more dispersed to committee chairs, and in some cases even individual members may have more say in what gets discussed, who gets to discuss it, and how it turns out. One of these situations is not necessarily better than any other. A centralized body can act more quickly. In addition, high turnover is less disruptive in a centralized legislature where fewer individuals are involved in major decision-making. On the other hand, decentralized legislatures provide more access points for legislators and citizens to influence the government's policies. Most legislatures, of course, fall somewhere between these two extremes.

A key issue is the role of opposition parties, factions, or coalitions. In some legislatures, such blocs are treated almost as equal partners. Law

or tradition may guarantee them a certain number of seats on committees, and minority members' bills may receive genuine hearings and even be passed. This tends to occur where the balance of power between blocs can shift quickly—the majority treats the opposition well in the hopes of reciprocity when they reverse positions. In this situation, it is important to include opposition parties in a legislative strengthening program to the same degree they would be included in any other legislative process, for at least two reasons. First, it will encourage buy-in to the process of institutionalization of the legislature by all or most parties. Second, legislative competition is an essential element to how democratic legislatures function, and guaranteeing the viability of parties to play a constructive opposition role is critical.

In other legislatures, the opposition is traditionally ignored or abused. There, the minority's role is more often to obstruct, delay, or discredit the legislative process, knowing that its preferences will never receive serious consideration. Deciding first whether to undertake a legislative strengthening program and, if so, how to incorporate such blocs into the program is more difficult. On the one hand, democracy is better served if more people are involved. On the other hand, full inclusion of this kind of opposition may cause the majority to withhold support, or may simply provide the opposition with yet another enterprise to undermine. It may mean working with government or opposition parties separately, or it may mean involving opposition parties in at least some legislative programs in numbers that outstrip their proportional strength.

Understanding a legislative body's internal power distribution will enable needs assessment questions to be directed to the right people and will minimize the likelihood of misinterpreting the answers. A legislature whose junior members are unhappy with their share of power,

which is often the case, is not necessarily in need of attention on that score. However, a body making a conscious transition to a more decentralized mode of operation may need significant development opportunities for its junior members so they can participate more fully in the new structure. Legislative strengthening, in any case, calls for some sizeable or influential bloc of members who are aware of the importance of the legislature as an institution, jealous of its constitutional prerogatives, and anxious to see it succeed.

III. ASSESSING DEVELOPMENT OPPORTUNITIES AND PRIORITIES

Accurately defining the problem a legislature faces is basic to selecting and designing activities that will provide sustainable and measurable results. This section begins with an overview of the ways in which the host-country context affects the legislative institutions and how the context influences decisions on whether to support the legislature. It then suggests assessing needs in five programming areas based on external conditioning factors (i.e., **political will and domestic support**), democratic functions **(i.e., representation, lawmaking**, and **oversight)**, and internal management concerns (i.e., **infrastructure and management**). Table 1 provides a summary of the legislative strengthening assessment framework that is presented in the following pages. The section concludes with suggestions for setting priorities.

All government entities, to a greater or lesser extent, reflect their social and political environment. This is especially true of legislatures, since it is their explicit institutional role. Therefore, beyond the broad, common functions noted in Section II, legislatures are not all alike. Legislatures differ more across national or even subnational boundaries than do other governmental bodies. Factors ranging from their formal powers and their relationship to other branches of government to their internal organization, formal and informal rules, information flows, and methods of reaching agreement are all tightly bound to the history and norms of their societies. It is first necessary to survey this macro-political environment in order to improve both the accuracy of needs assessments and the possible effectiveness of activities.

If legislative strengthening has been decided upon through a formal priority-setting exercise at the USAID Mission, much of the work of the macro-political survey has presumably already been done. In such cases, simply verifying that information is still current may be all that is needed. In other cases, a more thorough assessment process will be called for.

A. Assessing the Host-country Context

Because each legislature and its political culture are distinctive and dynamic, each mission should determine how to weigh answers to the questions below in making decisions about legislative strengthening in the host country. Consulting with local academic and practitioner experts may be useful to the DG officer.

1. Basic Democracy and Governance Questions

The USAID manual *Conducting a DG Assessment: A Framework for Strategy Development* lays out issues that define the broad context of the legislative body.[6] Answers to the questions detailed in the strategic assessment framework and outlined below will help determine the basic DG problems confronting a particular country. They will also help weigh the relative advantage of investing in legislative strengthening vis-à-vis other democracy subsectors. If questions from the framework have not been asked, they should be. If they have been, it should be confirmed that there have not been significant recent changes in these areas.

Consensus: Is there broad fundamental agreement about the nature of the state and its

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[6] Gerald F. Hyman, *Conducting a DG Assessment: A Framework for Strategy Development (Advance Copy),* Technical Publication Series (Washington, DC: USAID/ Center for Democracy and Governance, December 1999).

relation to individuals and associations in civil society? Is there agreement about the rights and responsibilities of citizens, organizations, and governmental entities? Do the major players agree on the rules of the political game?

Rule of law: Are rights to life, liberty, and property generally subject to the rule of law? Are state officials and partisan political activities generally constrained by law? Are personal security and freedoms adequately protected? Is there judicial independence and integrity?

Inclusion: Even if inclusion of all citizens in the political process is formally or legally guaranteed, are elements of the population effectively excluded from political participation? Are people excluded from social or economic participation? Is there exclusion based on gender, geography, race, class, religion, ethnicity, language, or party?

Competition: Is there meaningful competition among ideas and persons in elections and throughout the policymaking system? Are people effectively allowed to organize to pursue their interest and ideas? Is there a reasonable balance of power among voting blocs, levels of government, and its branches? Are parties competitive within the legislature? Does a single party have overwhelming dominance?

Good governance: Do the political institutions work, or do they at least have the capacity to work? If they can deliver on legitimate expectations, do they? Is there reasonable transparency and accountability? Can the legislature, even if strengthened, have an impact on the most important problems the country is facing?

Each of these questions must be asked of the national context and then again in the context of the legislature.

2. *Specific Legislative Questions*

The DG strategic assessment framework, which addresses the question of relative advantage of investing in legislative strengthening vis-à-vis other DG subsectors, only advances the question of where and how to spend scarce resources so far. It relies on manuals such as this one and expertise in the field to continue where that document leaves off. Once the decision has been made to invest in developing the legislature, the following questions specific to the legislative body should be addressed in the planning process:[7]

What are the legislature's formal powers and relationships to other political institutions? The variety of structures and processes of political institutions in relation to the legislature are discussed in Section II(B). The implications of the unique configuration of regime type and electoral and party systems should be considered when formulating a program strategy. Many legislatures, even in the United States, are constitutionally powerful but institutionally weak. It is critical, however, to distinguish formal authority from common practice.

A legislature with substantial, well-defined formal powers is ordinarily a stronger candidate for mission investment, since the body's role in national policy is or can be more central. If the legislature has relatively few formal powers, other changes in society and law should probably precede legislative strengthening efforts.

Some legislatures that are quite powerful on paper have by tradition acceded to the wishes of the executive (such as Mexico prior to 1997). Such institutional weaknesses are discussed below, in "Causes of Legislative Problems." Surprisingly, this can also work the other way—

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[7] Appendix A includes a broader set of assessment questions.

TABLE 1: LEGISLATIVE STRENGTHENING ASSESSMENT FRAMEWORK

COUNTRY MACROPOLITICAL CONTEXT
♦ Priority country issues
♦ Importance of legislature for addressing key problems

MACROASSESSMENT OF THE LEGISLATURE
♦ Constitutional powers of the legislature
♦ Regime type (presidential, parliamentary, hybrid)
♦ Electoral system
♦ Structure of political parties and balance of power among parties
♦ Executive-legislative relations
♦ Problems facing the legislature and their causes

ASSESSMENT OF POLITICAL WILL OF KEY STAKEHOLDERS
♦ Level of support inside legislature for institutional strengthening
♦ Evidence that legislature has desire to reform itself (modernization cmte., efforts at reform)
♦ Level of support outside legislature for institutional strengthening

FUNCTIONS

REPRESENTATION
♦ Degree of openness, accountability, and accessibility of legislature to citizens and media
♦ Interaction between the legislature and society
♦ Degree of openness of political parties to public input
♦ Electoral system (single-member district vs. party list/proportional representation)
♦ Organization of civil society and ability to play advocacy and watchdog role

LAWMAKING
♦ Parliamentary, presidential, or hybrid structure (distribution of powers)
♦ Legislative powers of the executive (decree power, ability to submit bills for consideration)
♦ Ability of legislature to access information
♦ Roles of committees and of party caucuses
♦ Power and capability to develop, amend, or review budget and to levy taxes

OVERSIGHT
♦ Power to question ministers, hold hearings, call witnesses
♦ Ability to access information about executive expenditures and program implementation
♦ Power to sanction those responsible for malfeasance, misconduct, corruption, or mismanagement
♦ Power of appropriations or control over the budget

ASSOCIATED OPERATIONS: MANAGEMENT AND INFRASTRUCTURE
♦ Clarity, transparency, and simplicity of legislative rules of procedure
♦ Degree of transparency of legislative actions
♦ Adequacy in skill and number of legislative staff and administration

PRIORITIZATION OF ASSISTANCE NEEDS

IDENTIFICATION OF APPROPRIATE PROGRAMMING ACTIVITIES

a few legislatures have over time garnered more power than they are officially entitled to (e.g., the Palestinian Legislative Council, which plays a significant role in the budget process, even though it lacks formal authority to do so).

Whatever the formal situation, does the legislature have effective autonomy? Extremes are possible here. A legislature that rubber-stamps every executive initiative without significant debate is not fulfilling its function, even in a parliamentary system; a legislature that impedes or denies every executive initiative is, at the least, frustrating democratic processes, and may be inviting dissolution (if the constitution permits it) or military intervention (if it does not).

The distribution of parties in the legislature should also be considered. In a presidential system, is the president's party dominant in the legislature? Does it rule by a slim majority? Does it face a dominant opposition? When considering parliamentary regimes, is there a one-party ruling majority or a government made up of a coalition of parties? Does a party rule by a bare majority? Are there safeguards for stability, such as the constructive vote of no confidence that allows a government to fall only if a new one is simultaneously approved by the parliament?

An effective legislature is one that has sufficient self-awareness and self-confidence to engage in meaningful negotiation with the executive. A legislature that is either utterly supine or completely recalcitrant may first need to change. Whether supine or recalcitrant, a legislature that wants to strengthen itself may face strong resistance from the executive branch, and without executive acquiescence it will lack the political leverage to proceed. Legislative strengthening can be impeded by the executive in various ways, such as through the budget process. If policy debate and adoption are adversely affected by legislative-executive

relations, it may be especially important to begin activities to help build support for legislative strengthening.

What are other donors doing?
An increasing number of outside donors—national development agencies, regional and multi-lateral development banks, and private and public international organizations—have become interested in legislative strengthening. Before deciding to invest USAID resources, it is worth investigating whether other donors are already planning or conducting similar efforts. If they are, donor coordination is essential before beginning legislative assistance.

What are the mission's priorities?
How would a stronger legislature be helpful in achieving the mission's other objectives—for example, legal or regulatory reform, economic restructuring, privatization, or environmental protection? Where possible or relevant, a mission should consider objectives that complement the rest of the mission's portfolio, either through general legislative enhancement programming or through promoting specific legislative reforms. Indeed, to the degree that a legislative assessment does not result in very specific areas to work in, the other strategic objectives of a mission's portfolio can help further define options or target assistance.

In addition, the budget available for providing support to the legislature may help determine the approach. On the one hand, limited budgets will constrain the types of activities that are implemented. On the other hand, a higher level of investment in one area may be a prerequisite to a smaller investment in another, so if the former is not possible and is not being carried out by another donor, then the mission should redirect its resources.

3. Causes of Legislative Problems

Even well established legislatures can experience difficulties in performing their functions. Newly developing legislatures are especially likely to experience them. A weak legislative branch may result from problems in any or all of the following areas:

Formal authority: Does the legislative branch have the constitutional, legal, or political authority to carry out its mandate?

Legislators: Do legislators realize the full scope of their authority, responsibilities, and opportunities? Have they been informed of more effective ways of organizing or conducting business? They may need strengthened management skills to oversee staff or to manage the many demands on their own time.

Perceptions by society: Do citizens understand what the legislature does? Are they properly equipped to make their preferences and desires known to the legislature through elections and contact? Misunderstandings can lead to a lack of public and political support for legislative initiatives, or even to fundamental issues of legitimacy.

Access to information: Analyzing policy proposals requires information. Such information includes arguments for executive proposals, specific information on the problems the proposal addresses, and existing policy. This information often comes from the executive, from sources external to the government, and even from sources outside the country. Can the legislature get this information in time? Does it lack the expertise to analyze the information? Delays and omissions can constrain a legislature's effectiveness.

Organizational structures and processes: Does the executive control the legislative process? Are committee and floor procedures cumbersome? Is it needlessly difficult to amend bills? Are there adequate mechanisms for informing the public on what the legislature is doing or how the public can make its concerns known to the legislature? Do the party systems impede effectiveness?

Staffing: Is there enough staff to assist the legislators? Does staff have knowledge needed to carry out duties? Staff may change so frequently that they do not have the time to develop expertise.

Physical facilities and equipment: Are there sufficient office spaces or equipment such as phones, filing cabinets, or computers for the legislative body to conduct its work? Where district offices for members are warranted or appropriate, do these offices have the physical facilities and equipment to carry out their work?

B. Assessing Legislative Strengths and Weaknesses

Every legislature, even in more developed nations, is deficient in some area or another. USAID legislative assistance programs are rarely able to address every need of a legislature, and choices about what areas to support, and what not to support, must be made. The aim of legislative assistance is to improve democratic processes. It is, therefore, necessary to make decisions about types and amounts of assistance based on this objective.

In some circumstances while it may be relatively easy to provide commodities and infrastructure support, it is more difficult to transfer and adapt skills, knowledge, and values that will help a legislature actually function in a more representative or democratic manner.

In terms of sustainability, USAID does not want to provide assistance that a country is incapable of continuing to sustain by itself after the assistance program has ended. Technical

assistance, research centers, etc., should have a budget that reverts to host-country support.

The next several pages outline the five areas that an assessment of the legislature should examine and provide examples of the types of questions an assessment should answer. To a large extent, the first area (political will and domestic support) will determine the extent to which a legislative strengthening program can be successful. The next three areas are organized around legislatures' primary functions of representation, lawmaking, and oversight. The fifth and final area (management and infrastructure) facilitates a legislature's performance of its three primary functions.

1. Political Will and Domestic Support

Legislative programs are inescapably political. No amount of expertise, technology, or work can make a legislative strengthening program successful if legislative and other leaders are not prepared to bear the political costs of reform. Successful programs build on a base of legislative support, which may come from formal leaders or a cadre of informal opinion leaders interested in the legislative institution.

A minimum level of support, or at least tolerance, from key stakeholders outside the legislature is also important, particularly when support for reform within the legislature is weak. Such stakeholders include executive branch leaders, influential media, recognized academic experts, and interest groups. However, there are likely to be pockets—sometimes significant ones—of resistance. This is because the inter-branch balance of power is often perceived as a zero-sum game, where a more powerful legislature means a less powerful executive.

If problems seem to stem from the legislature's relationships with society, perceived legitimacy, or formal authority, these would be appropriate needs assessment questions:

- **Does a support base for legislative strengthening exist? Is there a good chance it can be developed?**

Are there legislative leaders (from a dominant political party or a major opposition party), or some other sizeable or influential bloc of legislators, who are aware of the importance of the legislature as an institution, jealous of its constitutional prerogatives, and anxious to see it succeed? If no one is interested in strengthening the legislature, or if those interested are regarded as dangerous or merely amusing, basic steps to build political will are needed. USAID programs to build political will may not even focus initially on legislators, but instead on other key stakeholders, such as civil groups and professional associations.

- **Have there been recent attempts to reform the legislature to make it more powerful or effective?**

Has there been an infusion of new professional staffing, reorganization of committees, rules reform, or attempts to exert more authority in the budget process? Attempts at self-reform are strong evidence of political willingness to strengthen the institution from within.

- **Have legislative leaders formed a modernization group, committee, or other group responsible for institutional development? If they have, did they do it at their own initiative, or was it at the urging of an outside donor?**

Self-generated efforts to create an organized group of legislators to guide legislative development are an excellent indicator of political will within the legislature. Even if prompted by self-interest or a donor, such a group provides a locus of interest and formal jurisdiction for strengthening the legislature. However, its absence is not necessarily a negative sign, since a great many legislatures do

not have such a body despite members' desire for reform.

If the "modernization group" is serious about strengthening its institution, it will be willing to hold regular meetings, to discuss its recommendations with the larger legislative body, and to be open to comments and criticism by groups outside the legislature.

- **Is there significant support outside the legislature for strengthening it?**

Are there movements for reform of the legislature and for electoral or regime reform? Strong national support is fundamental to sustaining any gains a program makes, so if little or no support exists, the mission should reconsider entering into legislative strengthening programs since their likely impact on democratic change will be low. At minimum, efforts to build support for legislative reform will be necessary prior to initializing a legislative strengthening program. If some level of support for strengthening the legislature already exists, appropriate activities might help strengthen the base. (See Section IV.)

2. Representation

Representation is the fundamental function of a democratic legislature. Indeed, it informs the processes and functions of the other legislative functions. Representation in the context of legislatures involves legislators listening to, communicating with, and representing the needs and aspirations of citizens in policymaking; overseeing the implementation of laws and government programs; and, at times, interceding with government on behalf of citizens. Legislative strengthening is often undertaken to enable the legislature to perform its representation function better. Building the internal capabilities of the legislature is of limited value if the legislature is unable or unwilling to listen to and respond to its society,

so investing in representation where it is not performed well is very important. As civil society becomes better mobilized to put demands on the legislature, the institution's credibility will suffer if its performance does not improve. If citizens do not know about or have access to the legislature, or if the body has shown itself unwilling or unable to be responsive, its effectiveness is impaired and its legitimacy may be called into question.

Questions to help formulate conclusions about representation include the following:

- **Does the legislature promote a two-way flow of information?**

Does the debate in the legislature reflect the topics of debate in other political fora? Does the legislature or political parties solicit public opinion through polls, hearings, or other ways? Do members have district offices, and do they have the incentive to create district offices? Do they only visit their districts during elections? Do legislators, their staffs, and their publications explain the legislature to citizens? Are public records of legislative actions available, including the status of pending proposals?

The answers to these questions can be signs that the legislators are making a conscious effort to be representative. Again, not all indicators may be present for every legislature, but the more a legislature is intentionally seeking public input and actively explaining its actions to the people, the more successful it is likely to be in representing them.

- **How open and accountable is the legislature to citizens and the media?**

Are votes in committee or in the plenary open and public? Can citizens and reporters visit the legislature, including plenary and committee sessions? Is its building open for tours or visits? Do reporters and editors have access to and

understand the legislature's processes and functions?

If citizens and the media neither have access to the legislative building nor understand how the legislature conducts its business, they are likely to doubt the body is able to represent the people effectively, and they are likely to be right.

- **Do committees hold public hearings?**

If hearings are held, can anyone register to speak, or must all testimony be invited? Are meeting notices published? Are meeting places accessible? A relatively open hearing process is an important sign of transparency and accessibility. No legislature opens all its meetings all the time, but a higher percentage of open and accessible sessions suggests a higher level of representativeness.

- **Are political parties open to public input?**

In some political systems, political parties exercise tremendous power, often making major policy decisions before proposals are sent to the legislature. In such systems it is especially important that political parties be open to public input. Do the political parties permit or encourage such input (through surveying party members, for example)? Are citizen concerns then somehow factored into party platforms and into policy proposals?

- **Do most organized interest groups effectively interact with the legislature?**

Most important, even if citizens do have access, do they have an impact on policy? Are interest groups organized, and do they interact with the legislature? Are they able to fulfill their roles as advocates and watchdogs? Do organized interest groups have more or less equal opportunity to access the legislature? Are some groups prevented from equal access? Are there think tanks and universities that regularly provide

information and analysis to the legislature, invited or uninvited?

A legislature that has information and influence coming in from many channels is more likely to be broadly representative than one that restricts the number or types of groups to which it will provide access. Political parties within the legislature play an important role in representation, so activities to help make political parties more representative and effective may also be considered. A legislature open to input from diverse interests is also better able to fulfill its role as a forum for the resolution of societal conflict. Ideally, increased access to the legislature will be matched by improved legislative performance in lawmaking and oversight.

3. *Lawmaking*

Legislatures must be able to shape laws in practice, not just in theory. Effective lawmaking requires specialized skills, notably the ability to blend technical and legal competence with useful political knowledge so that laws can be both well written and truly reflective of their intended substance. At the same time, the decision to develop these skills carries political baggage, and may encounter resistance from other stakeholders, such as the executive branch. Perhaps even more important is the ability of a legislature to simultaneously deal with competing and diverse priorities, to engage in political negotiation, and to compromise to reach majority approval of legislative packages.

Questions in this area require analysis of both the legislature's formal authority and its actual performance, which are not always fully congruent. In researching and thinking about answers to these questions, bear in mind constitutional-level issues, such as the difference between presidential and parliamentary systems and the differing expectations associated with each. For example, legislatures in pure

parliamentary systems are less likely to introduce legislation or to make major changes to executive proposals than are their presidential or hybrid counterparts.

Some relevant questions follow:

- **What is the power balance in lawmaking between the legislature and the executive?**

In a presidential system, is the executive allowed to veto legislation? Can the legislature override executive vetoes? Must the legislature give its approval for all or most executive appointments? In all types of legislatures, under what circumstances can the legislature be dissolved? Can the legislature dismiss or remove the executive? Under what circumstances can the executive rule by decree? Equally important, how often does each of these events actually occur, and has there been a recent change in the trend?

If the legislature has considerable formal power but is not exercising it, the mission should ask whether this is a political decision, a cultural tradition, or a lack of legislative capability.

- **How independent is the legislature?**

Is the legislature allowed to introduce legislation independently, or must all proposals emanate from the executive? Can the legislature amend executive branch proposals? Are staff, including bill drafters, legislative or executive employees? Does the legislature control its own budget? Statistics on the sources, number, and types of bills originating or amended in the legislature give some indication of the actual situation.

In parliamentary systems, legislative and executive powers are united in a single branch of government. The dominant party coalition forms the administration. If the ruling party is voted out of the legislature, the executive necessarily also changes. Cooperation between the

executive and a majority in the legislature is required for the government to survive. Parliament and the executive will, therefore, operate less independently of each other than in a presidential system, so the concept of legislative independence applies more to legislatures in presidential systems than in parliamentary systems. Nevertheless, effective parliaments need some level of independence. They must, for example, be able to pursue an oversight function without fear of reprisal from the executive.

- **Does the legislature have information sources of its own?**

Are committee and plenary records adequate and retrievable? Is there an adequate legislative library? Does the legislature receive its information primarily from political parties, internal research, and/or outside sources? Do leaders, committee chairs, and staff remain in position long enough to develop expertise?

Having its own sources of information means that the body's decision-making process depends less on lobbyists or the executive. Lack of information is relatively common, and a variety of ways to respond to this particular need exist.

- **Is lawmaking infrastructure adequate?**

Is there a system of consolidated laws? Is there a "supremacy clause" in the constitution or elsewhere that defines the order of laws? Many newly independent countries have several systems of law overlaid on one another, a patchwork of traditional laws, colonial laws, transitional laws, and later legislation. At times it may not even be possible to determine what laws are in force. Without codified laws, the legislature must, in effect, guess what the former policy was and hope that the new law will fix the problem.

If the legislature lacks computers and trained staff, retrieval of old laws and tracking of new proposals are difficult. Are computer systems adequate for research, bill tracking, and other processes? It is important to keep in mind, however, that equipment and new systems, in and of themselves, do not change legislatures. Investment in this sort of support should be used to facilitate more substantive changes and reforms.

Funding activities to help the legislature better fulfill its lawmaking responsibilities is probably most useful for those legislatures that have the authority and desire to play a stronger role in lawmaking, usually presidential and hybrid systems. Nevertheless, in pure parliamentary systems the legislature is responsible for reviewing and commenting on legislation. Furthermore, a great many of the activities that strengthen lawmaking capabilities (e.g., strengthening committees and building research capabilities) also strengthen legislative oversight of governments.

4. Oversight

Virtually all legislatures have at least some oversight authority, even though in different systems it will take different forms. In presidential systems this function will often reside in committees, while in parliamentary systems it is the role of the opposition. If legislative leaders are willing to use the powers they have, investing in oversight may help make government more accountable and effective.

Citizens throughout the world increasingly insist on government's accountability for both the manner in which it conducts the public's business and the outcomes it achieves. Legislatures often have been the locus of engagement for this purpose. In many instances, legislative oversight has focused on executive corruption and incompetence or on misuse of government funds and power. Other oversight

deals with efficiency or effectiveness of government operations with an eye toward uncovering administrative and other shortcomings. Ideally, oversight findings are combined with lawmaking to reshape the laws governing a program or issue area where deficiencies are exposed.

Two sets of powers are very important for the legislature to exercise its oversight role. First, many legislatures have the power to confirm appointments made by the executive. This can include cabinet and sub-cabinet positions, ambassadorships, judicial appointments, and subnational positions. Confirmation procedures can include reviews of job histories, background checks of the nominee, or testimony hearings from groups with an interest in the nomination. A related power is the ability to remove political appointees for wrong-doing, malfeasance, or ineptitude.

Second, oversight is facilitated if a legislature has some powers related to the budget. These powers—like the power to confirm or remove political appointees—can range from weak or non-existent to formidable, from the power to review and comment to the power to amend or to specify exactly how the budget will be allocated. Because budgets are the ultimate indicators of a government's policies and priorities, it is not surprising that conflicts over a legislature's exercise of its powers emerge most often and most strongly in the budgetary process. Budgetary issues are included in this section, even though legislative control over government taxing and spending combines oversight and representation with lawmaking.

Questions that will help assess the oversight function include the following:

- **Can the legislature collect information for effective oversight?**

Does the legislature have subpoena power, either

directly or through officials such as an auditor general? What reports are executive agencies required to file? Is there a tradition or legal requirement where government ministers respond to inquiries by legislators (such as parliamentary question time), whether in a presidential, parliamentary, or hybrid system?

The basic first step in oversight is gathering data. A legislature that cannot do this is hampered from the outset.

- **Can the legislature sanction those who do not cooperate with its oversight or who refuse to implement legislative wishes?**

Can the legislature censure, fine, or remove uncooperative ministers or other officials? Can executive failure to cooperate prompt a no-confidence or impeachment vote? A legislature with more tools to compel cooperation is more likely to get cooperation. The use of sanctions can be complicated. Even sanctions that have never been applied may still be effective as a threat, while excessive use of sanctions may dilute their efficacy. Also, while a legislature may not have legally codified powers, informal sanctions—such as exposure in the press—are often available.

Interviews with expert observers may be helpful in discerning how the sanctioning system works in particular situations.

- **What are the legislature's budgetary prerogatives?**

Can the legislature make changes to proposed budgets? Has the legislature any role in preparing the budget and setting taxes? To what extent can the legislature increase or decrease appropriations, or transfer funds across agencies or programs? When, and how much, can the executive spend without legislative approval? Does the legislature have full access to all government financial information?

The budget is an excellent vehicle for implementing recommendations resulting from oversight efforts and lawmaking, as well as an important overall policy tool for setting national priorities and limiting administrative action. A legislature that cannot influence budgetary allocations will find it more difficult to influence the policies of the executive.

- **Does the legislature have adequate understanding and resources for oversight?**

Do most or many members understand the importance of oversight? Do the legislature's processes, rules, and internal structure support an oversight function? Are committees specifically structured to support an oversight function? Is professional staff knowledgeable about oversight skills? Does the legislature have an adequate budget for its oversight activities?

A full panoply of formal oversight powers will be of no use if the body has not mobilized its human, financial, and political resources to carry out these activities vigorously.

5. *Management and Infrastructure*

Deliberative bodies must be able to manage themselves. If they cannot, they will not be able to perform their representation, lawmaking, and oversight functions. They will also be unable to capitalize on political will or garner domestic support. To be fully effective, a legislative body needs not only adequate space and equipment, but also such management capabilities as effective organizational structures, processes, and rules.

Issues to be considered in assessing this dimension can include the following:

- **Do rules and procedures expedite business but still permit debate?**

Do legislators understand the rules? Are the rules comprehensible? Do most citizens and reporters understand them? Do rules require time-consuming voting procedures or permit actively dilatory tactics? Are minority parties or factions able to participate in debate? Do plenary sessions and committee meetings usually finish their agendas on time?

Like statutes, rules and procedures have often been built up over a long period and may be outmoded, especially if they do not allow taking advantage of newer technology, such as electronic voting systems.

- **Is there transparency regarding legislative actions?**

Are accurate records of legislative proceedings kept? Are they available to the media and public? Are there formal policies for staff hiring, pay, purchasing, and other aspects of legislative administration? Is there a formal code of ethics for legislators and staff, and is it enforced?

In many ways, this aspect of legislative management completes a full circle, back to the issue of transparency in the macro-political survey. Occasionally the lack of these elements is caused by a lack of desire for them. Often it is simply a matter of the absence of resources or skills needed to put them in place.

- **Are the physical facilities adequate?**

Are meeting rooms and other spaces physically safe, large enough, well lighted, and adequately ventilated? Is there enough furniture? Are internal communication and data systems adequate? Are sound systems and voting tabulation systems present and working properly? Answers to all these questions are easy to determine.

While investing in legislative infrastructure and management usually is not a *prerequisite* to accomplishing other program objectives, addressing deficiencies here often can have important effects on the likelihood of success of any other strengthening efforts that may be undertaken. Indeed, commodity transfers should be avoided unless these links are clear and a positive impact on democratic processes is likely. Developing infrastructure, however, should generally not be given priority unless clearly linked to other democracy-related reforms. In recent years, USAID has de-emphasized investments in infrastructure, in part because resources are available from other sources, such as multi-lateral banks, and in part because USAID has emphasized promoting changes in procedures, knowledge, and skills that encourage greater democracy. It is important to look for investments in infrastructure and management that accomplish as many objectives as possible. Improved record-keeping, for example, is good management and can improve lawmaking performance, while making the legislature more transparent and accessible to citizens.

C. Prioritizing Assistance

Responses to assessment questions will help USAID officers better understand the characteristics, strengths, and weaknesses of the host-country legislature in the context of achieving broader-level democratic change, and will suggest several activities to address those weaknesses. (See Section IV.) After reviewing the assessment data, missions should set priorities regarding which areas to address based on the national situation. While no tidy mathematical formula exists to set priorities, the information about the macro-political environment and specifically about the

legislature will provide guidance. In addition, the following factors should be considered to help determine prioritization of activities:

- **Will addressing the problem make the legislature a more effective democratic institution?**

If resolving a problem has a relatively minor long-term or overall impact on legislative functioning, it can probably have lower priority. If it is significantly disrupting or obstructing the legislature's ability to fulfill its constitutional role, it has a higher priority.

- **How urgent is it to address this problem?**

Sometimes a less important problem may need to be taken care of first; for example, a leaky roof in the legislative chamber is not "important", but may be "urgent." Sometimes an important problem must wait for some other problem to be solved first, and so the less important one is more urgent in terms of timing.

- **Are efforts to solve this problem likely to succeed?**

Are both the political will and the technical capacity in place or at hand? Even if a problem is urgent and important, there may be intransigent opposition to addressing it. Such an issue is likely not to be a good application of mission resources. On the other hand, even if it is not urgent or important, a problem with the high likelihood of resolution might be worth addressing, if success helps build momentum and create an environment conducive to future success.

- **Is it necessary for USAID to address this problem?**

If the host-country government or some other donor is already working on it, or planning to, mission resources might be better applied to

some other need that complements the work being done by others. If others are not addressing the issue, then as part of its donor collaboration effort with the host country, USAID should ask why they are not.

In applying these criteria after collecting and thinking about this information, usually a fairly small set of items will emerge as high priority. Making a final decision among this smaller group will be highly situation-specific, requiring consultation with host-country political practitioners, civil society group, academics, and others, as well as with mission and embassy staff. The Center for Democracy and Governance is also an excellent resource in this process. It is critical to keep in mind whether assistance will in fact promote democracy or alter the democratic nature of the legislature, while being wary of being lured into following the most familiar, easiest, or most visible route.

IV. DESIGNING LEGISLATIVE ACTIVITIES

Having assessed the strengths and weaknesses of the legislature, and having made some determinations regarding program priorities, what activities can a mission conduct to help build legislative capabilities in the five assessment areas? This section is intended to guide officers as they plan activities to (1) help build the political will to strengthen the legislature; (2) build the legislature's representation, lawmaking, and oversight capabilities; and (3) improve its infrastructure and management so that it can carry out its responsibilities. Suggested activities in each area follow, along with some examples and implementation suggestions. Examples are enclosed in text boxes. Note that some activities could have been listed under more than one category (e.g., public hearings can help a legislature fulfill its representation, lawmaking, and oversight functions) but were only presented once. As with the assessment questions, this section has been organized using the five programming areas: political will and domestic support, representation, lawmaking, oversight, and management and infrastructure.

A. Political Will and Domestic Support

The assessment section above discusses the importance of political will and domestic support for successful legislative strengthening and presents questions designed to help determine the level of political will that exists for strengthening the legislature. This section presents specific activities that have been used in USAID programs to help build support for legislative strengthening initiatives.

1. Building a Support Base

Successful programs build on a base of legislative support, which may come from formal leaders or a cadre of informal opinion leaders interested in the legislative institution. Sometimes that base must first be nurtured. Select activities to support this include the following:

a. Establish a legislative modernization group

Modernization groups in legislatures are multi-party boards of legislative leaders responsible for the institutional development of their legislature. Such groups typically direct institutional strengthening, serve as advocates for reforms, and handle political problems related to institutional development. As a forum for reform-minded legislators, modernization groups have at times become advocates for other reforms as well.

If a USAID Mission is planning a substantial program with the legislature, and there is no modernization group in place, one option is to help establish and later assist one. If this tactic is followed, it is advisable to make sure that members remain in place for the full term of the legislature (rather than changing every year) so they can become effective advocates for reform and make long-term commitments on behalf of the legislature. As a way to gauge the political will, a mission can encourage establishment of a modernization group and see who becomes a member of it and how much the legislature is willing to do, before deciding to invest more heavily. Because of the utility of a modernization group, donors can suggest that such a group be established, whether a program is just beginning or has already been launched.

Comisión para la Modernización Legislativa: Bolivia

USAID program activities with the Bolivian Congreso began in 1992, under the auspices of the precursor organization of the Comisión para la Modernización Legislativa (CML). Founded by the vice president and chaired by the president of the congress, it comprised legislative leaders from both houses. The commission approved program plans and participated in regular meetings and annual study tours. The congress formally established the CML in 1995. By 1999, the CML survived three national elections and three changes in the parties in power. It spearheaded constitutional and rules reforms establishing direct election for half of the lower house and requiring legislative committees to conduct public hearings.

Comisión Accidental: Colombia

The Inter-American Development Bank made establishing a legislative modernization committee a prerequisite for Colombia's receipt of a $4.7 million legislative modernization loan in 1999. The Colombian Congreso responded by setting up a two-house Comisión Accidental, comprised of leaders from each house. Unlike any other congressional committee, this commission remains intact for the four-year life of the congress. In addition, *each year* the retiring president of each house automatically becomes a member of the commission. The commission brought members from both houses and all parties together for the first time to plan activities. Having just been established, results are only now starting to be observed.

Comisión para la Modernización Legislativa: Nicaragua

Established through the USAID-funded legislative strengthening program in 1997, the Comisión para la Modernización Legislativa (CML) in Nicaragua became the steering group for all legislative strengthening activities. Sandinistas and Liberales, who had been engaged in bitter political strife, began to meet regularly to discuss and direct the committee. A study tour to Peru in 1998 helped members develop a collective vision for their congress, and helped them coalesce as a group. To date, the CML has overseen the development of a legislative information system, web page, and bill-tracking system. Sharply divided political parties are meeting and agreeing on the future of their legislature.

Parliamentary Commission: Uganda

The private-member bill establishing the Parliamentary Commission, the joint parliamentary-executive board that oversees the management and modernization of the Ugandan National Assembly, became law in 1997. This board created and is overseeing the implementation of a plan establishing permanent, professional non-partisan staff for parliament. Under the authority of the commission, the parliament hired 50 professional non-partisan staff (using its own resources), oversaw the development of a parliamentary information system, and gained authority over its own budget. Members of parliament recognize the commission as responsible for institutional development of parliament. It acts as the steering committee for activities funded by USAID and other donors.

b. Expose legislative leaders to successful legislative modernization groups in other nations

Providing the opportunity for critical decision-makers in the legislature to observe how another modernization committee functions and the impact it has had on reforming the legislature can encourage the legislative leaders to form similar groups in their own legislatures.

The first vice president of the Assembléia de República of Mozambique was so impressed with Bolivia's group (which he witnessed at

USAID's international legislative conference in 1996) that he established a similar group in Mozambique's assembly.

c. Strengthen the modernization group

It is likely that the modernization group will need support, which could include secretarial help; regular group meetings with program staff; assistance to members to understand, oversee, and direct activities; and study tours, which can help members develop a vision for their legislature and coalesce as a group. Any operational support should have a declining budget to assure host-country buy-in.

d. Organize a legislative leader study tour

It is difficult to envision what one has never seen. Observing well-functioning legislatures, in which many members have a vision of their legislature as an effective institution, can help legislative leaders develop goals for their own legislature. Missions should consider a leadership study/observation tour early in the program to help develop the necessary support for long-term activities. Once legislators have together observed effective legislative services, or members working together to strengthen their institution, especially in a legislature in a state of development similar to their own, they may be more willing to support activities to strengthen their legislature.

Study or observation programs should aim toward the following:

Seek to accomplish specific objectives
If the goal is to develop a base of support in the legislature for legislative reform, participants should have the political strength to influence the legislature. The tour location and program should be selected with the goals in mind. Exposing legislative leaders to successful modernization groups that have transformed their legislatures may inspire visitors to do the same, for example. Do participants need to see how a modernization group functions, to talk with its members, to see professional centralized staffing systems, or to consider other aspects of a modern legislature?

Be chosen carefully
Many countries, for varying reasons, can be good site visits for host-country legislators. Neighboring countries that have had success dealing with similar issues often provide the most relevant examples with which legislators can relate. Similarly, other countries where USAID has had similar programs can be useful to visit so legislators can see the aim of the program. Issues such as the type of constitutional structure (presidential, parliamentary, or hybrid), the powers of the legislators, and the electoral system should also be taken into account.

Study tours to the United States have both advantages and disadvantages. The major advantages are the level of institutional development at both the national and state levels, and the fact that implementing partner organizations will usually be more familiar with the various U.S. examples. Disadvantages derive from the fact that the U.S. case is an exceptional one; the U.S. political institutions (presidential system with powerful national and state legislatures, the electoral college, and the degree of federalism) often make it far less relevant to other countries.

In any case, program designers should both take into consideration which countries are the most appropriate, and also consider the timing of the study tour. Legislative leaders should not be taken out of the country when they are needed for political reasons at home. In addition, because study tours are so popular among donors, they should be closely coordinated to avoid having too many host-country legislators travelling at the same time.

Involve appropriate participants
Member study tours usually show legislators a set of generalized options for programs, and the time leaders spend together studying legislatures often helps build support for positive change in the legislature. Staff study tours are generally more specific, providing staff with more hands-on training. Also, staff do not generally have tenure, so investment in them is less likely to have important impact. When investing in study tours, consider how long participants are likely to remain with the legislature and how strong an influence they exert inside and outside the legislature.

Include discussion time
Legislators are generally very busy; when they return home they might not have time to discuss what they have seen. Use of facilitators can guide synthesis and evaluation discussions periodically during the tour. Planning to incorporate findings back home is useful.

e. Hold workshops/conferences

Workshops that provide information about how other legislatures function are less expensive means of exposing more leaders to legislative strengthening ideas. Listening to experts, however, is not likely to have as powerful an effect as seeing for oneself, and workshops held in-country do not take legislators away from their daily responsibilities to allow them to focus exclusively on ways to improve their legislature. The advantage is their lower cost and greater likely number of participants.

2. Laying the Foundation with Development Planning

a. Convene decision workshops

Decision workshops, which allow legislators a greater voice in assessing needs of the legislature, are another tool for giving clients a stake in the desired changes.

b. Assist drafting of legislative development plans

Legislative development plans are comprehensive statements addressing a legislature's physical, organizational, and members' needs, in some cases estimating costs and delineating steps to meet those needs. Legislative development plans

• Put the legislature's own internal goals on record

• Assist the legislature to determine priorities for spending its own resources

- Help donors consider which needs they might support

- Provide well-conceived blueprints for doing what needs to be done

If legislators do not have such a plan in place, consultants who have expertise in different aspects of the legislature's needs may meet with legislators, staff, donors, and others to help draft and then facilitate agreement on a development plan. Plans are most useful early in a legislature's life, and they should be reviewed and updated periodically. These plans are inherently political, so in working with a legislature to develop one it is important to ensure that the process involves political processes and actors.

The planning activities above can help crystallize political will for change within the legislature. Some activities designed to strengthen relations between society and the legislature (discussed in further detail below) may also build support for legislative changes.

c. Administer legislative questionnaires

Questionnaires on needs and goals can be administered to legislators as one way to include them in the design of a program. As with legislative development plans, they are best administered early in the life of a legislature, or prior to initiating assistance. Negotiated development plans can also help ensure greater program continuity when legislative leaders change, especially if the major parties in the legislature have participated in their development. Such questionnaires can also serve as a source of information for establishing common understanding of anticipated program results. USAID has funded the development and administration of legislative questionnaires in Colombia and Bolivia.

B. Representation

The assessment section explains that a legislature with first-rate technical capabilities, yet that does not represent the needs and aspirations of its constituents, is not an effective legislature. That section also presents a series of questions to help one determine how well the legislature represents constituents. The activities that follow have been used to strengthen connections and understanding between legislatures and constituents.

1. Helping Civil Society Understand and Interact with the Legislature

This section presents program activities to help the domestic civil society to better understand and interact with the legislature:

a. Encourage public interest fora

Public interest fora are meetings where citizen groups can discuss and try to resolve community problems. USAID has funded local non-governmental organizations (NGOs) that bring legislators and citizens together to discuss citizen concerns. Assistance includes advice and training for NGO representatives, operational

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Public Interest Fora:
Argentina, Uganda, and Philippines

In Argentina, Poder Ciudadano conducts citizen workshops to discuss public concerns and possible solutions to issues such as corruption and poor relations between representatives and the electorate.

The Forum for Women in Development in Uganda and the Center for Legislative Development in the Philippines both sponsor public events on topical issues dealing with under-represented groups and legislative policy and process. Legislators, citizens, and representatives of the media participate.

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support, and commodity procurement for the NGO operations.

b. *Train citizen organizations and advisory groups*

Organizations formed to promote particular interests (e.g., education, environmental concerns, and women's rights) can be a means to promote participation in a democracy. These organizations can provide legislators and their staff with information and suggestions, organize conferences on specific legislation, and hold meetings to explain the predicted impact of laws. To be considered legitimate, this lobbying process should be transparent. Advisory groups can be useful sources of information and provide input and feedback on proposed legislation.

c. *Prepare citizen groups to testify at public hearings*

Citizens and organizations often have little knowledge of the purpose of public hearings or how they are conducted. As a result, hearings can provide legislators with less information than they expected if the discussions are too wide-ranging, lack focus, or are disorganized. In addition, citizens often take an aggressive posture toward the legislature or government, which can lead to acrimonious attacks instead of a useful exchange of information.

The Mozambican experience with public hearings on legislative and constitutional changes, cited on page 35, is a good example. NGO representatives received a publication explaining proposed constitutional changes and were trained in presenting oral and written testimony. Sector programs with civil society components could incorporate this training to influence sector policies.

d. *Help candidate information programs*

Citizens in many nations do not have much access to information about their legislators, or how they voted on particular issues. Information on candidates running for office may be even more difficult to obtain. NGOs that publish such information have been established in some nations. NGOs such as these, which are able to obtain funding from multiple sources, may prove sustainable in the long run.

In addition to reporting on legislators and how they vote, groups can monitor and report on the activities of the legislatures. They can cover activities such as which bills are before the legislature, the debates that occur, and the successes (and failures) of the legislature in carrying out its functions.

Advisory Groups: Mali and Bulgaria

In Mali, the legislature requested that the National Organization of the Regional West Africa Enterprise Network review all proposed legislation on business policy.

In Bulgaria, the parliament has begun to turn to municipal groups and professional associations for information on the impact of proposed laws. USAID programs have trained such groups on the legislative process, and on how to work with the legislature.

Educating Citizens: Guatemala and the Philippines

In Guatemala, Acción Ciudadana monitors and reports to the general public on Congreso de la República de Guatemala activities.

In the Philippines, the Center for Legislative Development publishes *Legislative Alert*, a monthly newsletter that reviews, summarizes, and comments on recently enacted and pending laws of national importance.

Prior to each national legislative election, Poder Ciudadano in Argentina gathers, publishes, and nationally distributes data on all candidates, including their academic, political, professional, financial, and legal backgrounds, as well as their electoral platforms. According to Poder Ciudadano, publishing this information has enhanced the image of the congress and has helped improve the quality of legislative candidates. Realizing that candidates must stand the scrutiny of a published in-depth interview, parties have begun to field better candidates.

In Colombia, inspired by Argentina's Poder Ciudadano's Politician Data Bank program, the Universidad de los Andes (UNIANDES) of Bogota developed a "virtual candidate" program, which published information on each legislative candidate prior to the most recent congressional elections. USAID, individual citizens, and citizen groups concerned about the quality of legislative candidates helped fund this program. UNIANDES distributed the biographical information nationwide through a network of Colombian universities so that every area of the country was covered.

Candidate information programs may be most effective in single member districts, where voters tend to exercise closer control over their representatives. But closer scrutiny of candidates can also encourage party leaders to field better-qualified candidates.

Public Opinion Polls:
West Bank/Gaza

USAID's program in West Bank/Gaza contracts with an NGO that conducts public opinion polls to determine citizen concerns, the perceived importance of various laws, and attitudes toward corruption. Strong citizen reaction against executive corruption revealed through polls encouraged the legislature to take action to confront it. The polls also revealed that the Palestinian Legislative Council's approval rating is the lowest of all branches of government, and this has encouraged members to find better ways to communicate with the public.

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interests of voters, the status of the legislature, and the direction that public opinion says policy should take at a given point in time. In some ways, polls can play the role of aggregating interests that parties are supposed to play but often are not well organized to do. If nothing else, these polls can stimulate debate on important issues. At the same time, a drawback can be that they act as a disincentive for parties to perform this interest aggregation, which can then undermine efforts to strengthen the legislature.

f. *Train journalists*

The quality of journalism worldwide varies dramatically, and journalists covering the legislature may not have a good understanding of how it functions. USAID-funded programs have trained journalists to report on how the legislature functions, to read proposed legislation and anticipate its impact, and to report accurately on legislative action.

Before investing in training journalists, however, missions should ascertain the likely payoff of the activity: How long are journalists likely to continue in their careers? How long are they likely to continue covering the legislature or other issues important to democratic progress?

While assistance to NGOs that publish candidate information is permissible, missions need to be careful that these groups are non-partisan in nature and do not promote specific electoral outcomes.

e. *Finance public opinion polling*

Public opinion polling can play a critical role to inform legislators about the perceived needs and

Who controls the media and will journalists be willing to provide relatively objective coverage? If objectivity is not likely, are a variety of viewpoints possible?

2. Facilitating Legislative Openness and Responsiveness

This section presents several activities to help legislatures improve their communication and interaction with citizens:

a. Provide rules reform assistance

Legislative rules govern the workings and power relationships of a legislature. Some rules reforms can help open a legislature to the public and grant citizens and groups in society greater access to legislators and legislative meetings. Specific reforms may allow for public hearings, grant rights to opposition parties to be heard, allow the opposition to be represented on committees, and establish systems to encourage greater communication with constituents.

USAID legislative strengthening programs have provided legislators and staff with copies of

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Advisory Group on Electoral Law: Kyrgyzstan

Togorku Kenesh (Supreme Assembly) received assistance from a group of expert advisors regarding proposed legislation, submitted by the Central Election Committee, to amend the electoral law. The group analyzed the proposals, which included a change to indirect election of El Okuldor Palatasy (Assembly of People's Representatives). The advisory group recommended several changes. Despite an effort by the president to bypass the parliament by issuing a decree and ratifying it by referendum, the legislative assembly was able to incorporate a number of recommendations into the final draft of the law, which it subsequently passed.

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legislative rules from other nations, conducted workshops on rules reform, and provided consultants to assist host countries in researching and developing proposals to open the legislature to new views.

b. Provide exposure to other electoral systems (electoral reform)

In geographic districts, citizens vote directly for the legislators who represent them. The direct control that citizens exercise over a politician's re-election in geographic districts encourages legislators to pay close attention to local concerns. In party-list electoral systems, voters vote for a presidential candidate or a party, and legislative seats are apportioned based on the outcome of that vote. Party-list systems encourage legislators to be especially responsive to their political party's national platform, presumably representing their supporters' concerns.

In attempting to strengthen direct ties to constituents, some legislatures have changed their electoral system from a closed-list system to an open-list or alternative vote system, which allows greater citizen choice for their party's candidates on the party list.[8] Other legislatures have changed the electoral system from pure party-list systems to a combination of single member constituencies and party-list electoral

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[8] In a *closed-list* electoral system, nominees to the list presented by a party, and the order they appear on the list, are decided by party leaders; voters have extremely limited input into the decision of which individuals represent them in the legislature. In an *open-list* electoral system, voters determine the order that candidates appear on the list and, in some cases, who the candidates are. For example, a party may present a list of candidates for a set of seats in a district, but instead of voting for a party, voters select their preferred party candidates (limited to a maximum number), and the votes count twice: once for the party and once for the candidate(s). Order on the party list and, thereby, who fills seats are determined by the number of votes individual candidates receive.

systems. For example, Bolivia changed its Cámara de Diputados (lower house) elections from pure party list to a mixed electoral system. Some Bolivians worried that under the new system, party discipline, and therefore the effectiveness of the legislature, would suffer. Preliminary results indicate that the self-discipline of the legislature has not diminished. Moving in the opposite direction is also possible: New Zealand recently changed its system from one of all single-member districts to a mixed system, so that representation in the parliament would better reflect the range of political parties.

Encouraging changes in electoral systems is not normally a goal of donors, but study tours, roundtables, or advice from international experts exposing legislators to alternative electoral systems may interest leaders in such changes.

c. *Assist with public hearings*

Public hearings provide opportunities for experts

and citizens to express their views on public policy issues, and for legislators to explain and promote their agendas. Hearings open the policymaking process, and encourage more responsive policies. Public hearings held outside the capital involve a greater cross-section of the country in making the laws that affect them. Public hearings play an important role in lawmaking, and also fulfill a public education role as citizens get to hear their legislature in action and to meet or at least see and hear their representatives. If legislators hold public hearings, they should be willing and able to amend legislation based on the input received.

Assistance with public hearings may include study tours that allow legislators to observe other legislatures' public hearings. Development of manuals and operational support for conducting public hearings can be provided.

Legislators may be apprehensive about public hearings because they might expose them to unhappy constituents who may want to embarrass a particular legislator or the party in power. USAID experiences with public hearings suggest the following advice, which may help allay concerns and indicate the value of overcoming the apprehension:

- Start small with a less controversial issue; do it well; build upon this experience

- Manage hearings well and have a well-defined agenda

Constituent Software: Chile

How do legislators keep up with constituent contacts? The Center for Legislative Studies and Assistance in Chile developed a constituent software program in the early 1990s to help Chilean legislators and their staffs track correspondence and contacts with constituents.

- Realize that, once politicians recognize the benefits of opening up the political process, they may start holding regular public hearings

- Coordinate with other interested donors and all democratic political parties

d. Assist legislatures to provide adequate notice of meetings

Legislative meetings may be open to the public, but if the public is unaware that the meetings are open, when meetings are scheduled, or the content of agendas, attendance will be low and unrepresentative. Technical assistance can train and fund staff, recommend improved procedures for meetings, and fund systems to help legislatures provide meeting information in a more open and timely manner.

e. Develop bill-status systems

Bill-status or bill-tracking systems provide a record of every bill introduced in the legislature. Individuals with access to the system can usually view the bill's text, or a summary, as well as find out where the bill has been in the legislative process, and what amendments have been introduced and by whom. Tracking systems are obviously a useful tool for legislators and staff; some legislatures allow public access as well.

Assistance may include consultation on the design and installation of the system, equipment procurement, training in the use of the system, and even operational support. Host legislatures need to assume the costs of providing training to staff who will keep the information up-to-date and accurate, and maintain the system.

A bill-status system is less important in a nation whose legislature neither introduces nor amends legislation (and indicates little likelihood that it will in the near future) than in a nation whose legislature does both.

f. Improve the quality, distribution, and timeliness of legislative records

In developing nations, the legislative record is sometimes many months late. Arcane methodologies for producing the record and a lack of personnel can contribute to these delays. Improving the legislative record has both management and transparency benefits.

Specific activities may include the following:

• Procedural improvements to reduce delays in production and release of the legislative record

• Funding to help cover production, distribution, and, in multi-lingual nations, translation costs

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Media Relations

Chile
For a number of years, the Center for Legislative Studies and Assistance (CEAL) in Chile conducted programs in legislative-media relations. CEAL sponsored regular off-the-record breakfasts at the Catholic University of Valparaiso for legislative leaders and the congressional press corps. Working through the university, held in high regard by the legislature, helped make these meetings possible.

Kyrgyzstan
The USAID program in Kyrgyzstan sponsored the participation of legislators on two television broadcasts of a weekly call-in show, in order to serve as platforms from which legislators could inform the public about legislative ethics and the budget process. This experience inspired deputies to turn to television as a medium to inform the public of issues in an important referendum, and subsequently resulted in the initiation of a public affairs show that lasted for 20 weeks.

• Equipment and training to speed up production of records

• Technology and training for the production and distribution of records

g. Conduct media relations programs

Legislators and their staffs are not always adept at dealing with the media or at conducting press conferences. Training programs in press relations and drafting press releases can be useful and popular for legislators and staff; they can be conducted by legislators, ex-legislators, or experts in media relations from that nation or abroad.

Journalists can also be helped to understand and report on the legislature better, and politicians can learn to understand the views and concerns of the media. Meetings between legislators and media have often served to meet this aim.

h. Conduct constituent relations programs

Maintaining good relations with constituents is only partly a matter of finding out their policy preferences. Often a legislator's most important constituent relations tool is effective casework, particularly in single-member districts. Resolving and expediting constituents' relations with government arise from the legislature's representation function—a constituent is not receiving a service because of an unresponsive bureaucracy, for example, and asks a legislator to intervene. If many requests are received about the same agency or policy, this constituent service can also become an oversight mechanism, to point out problems that need formal legislative solutions.

In countries with closed-list electoral systems, it is not generally advisable to work with individual legislators on constituent relations or set up district level offices because a legislator is accountable primarily to party leaders, and not to voters in a particular district. Further, several

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legislators, and usually more than one party, represent districts, obscuring the tie between legislator and constituent, thus diminishing the incentive for individual legislators to take this role seriously. Exceptions do occur (e.g., if parties make constituent relations by legislative members a requirement for them to advance within the party), but the rule still holds generally. This does not mean that constituent relations do not matter in a closed-list system. Rather, it means that the role belongs to the parties to carry out, as opposed to the members of the legislature.

One type of activity to strengthen constituent relations is workshops on constituent relations and casework to provide legislators and their staff with ideas and strategies for more successfully dealing with and responding to constituents. Successful politicians from other nations often make good speakers and trainers in these workshops, but workshops must conform to the realities of the host nation. Look to include national legislators especially adept at constituent relations.

A constituent relations manual developed with both national and international input may blend domestic needs and know-how with useful ideas from abroad.

i.   Help develop facilities for meetings with constituents

Many legislatures lack facilities in the capital and the districts where legislators and constituents can meet. While a district office for each legislator might be beyond the budget of many deliberative bodies (and also somewhat less important in multi-member systems than in those with single-member districts), regional parliamentary offices, with staff shared by the legislators of the region, might be feasible.

In Poland, some legislators maintain office space in local party offices. In West Bank/Gaza, on the

other hand, the presence of legislators from a number of different parties in regional legislative offices has caused some confusion as to which representative to approach (a problem inherent in party-list systems). There may also be concerns about citizen confidentiality or privacy.

j.   Develop legislative web sites

A growing number of legislatures make legislative information available to citizens on-line through legislative web sites. Some systems are interactive, enabling citizens to write on-line to their legislators. Developing a web site could require technical assistance in system design, procurement of computer equipment and cabling, training in the use and maintenance of the system, and even operational support to keep it functioning.

Web sites must be maintained and updated to remain useful, and program officers should get such a commitment from legislative leaders before supporting initial development. Developing a legislative web site would not be a good investment in nations where few citizens have computers or where access to the Internet is very limited. In such cases, economic elites are the only ones likely to benefit from the investment. Also, where monopoly telephone companies charge excessively for Internet use, it might be worth considering support conditioned on regulatory changes that make the environment more favorable. Greater numbers of citizens might benefit, however, if newspapers make use of the web site and use its information in their reporting on the legislature, and if sites are established where individuals who do not own computers are able to communicate with their legislators. (See Peru example, p. 39.)

k.   Produce publications on the legislature

A number of USAID programs have funded the production of documents about the legislature.

Peru

In Peru, with funds from the Inter-American Development Bank, the congress was able to expand citizen access, speed up production of its daily journal, and provide the media with legislative news at the end of each day. The Congreso de Peru maintains a web site containing daily legislative agendas and the text of bills before the congress. Within an hour after plenary and committee meetings are completed each day, the congress publishes a summary on the Internet. Within two hours of the close of each day's plenary, the daily *Diario de Debates* is available on the Internet. Sessions are also carried on cable TV. The cost of maintaining the system is high, however, as a team of data input specialists is required to keep it up-to-date.

The system is interactive, and citizens are invited to (and do) comment on legislation under consideration. Their comments are forwarded to legislators. In additional to permanent access sites, staff set up multimedia kiosks at events around the country where citizens are invited to use the web site to learn about the congress and to send messages to legislators. Legislative staff participate in university and college computer fairs where they solicit participation on the web. Between November 1996 and April 1998 the system received 40,000 e-mails from within Peru and from 21 other countries (most foreign e-mail was from citizens residing abroad).

Peru's experience shows that legislatures developing new systems may at times leap ahead of legislatures in more developed nations. The obvious question is whether these new levels of citizen awareness and contact with the legislature have had an impact on what the legislature actually does. The answer is not yet clear.

Eastern Europe

In Eastern Europe, technical assistance introduced through the Frost Task Force has accelerated the capacity of parliaments to produce draft bills and legislative records, and to make them available to legislators and to the public. In Poland, the time required for production of printed texts of daily proceedings was reduced from between three and six months to the very next morning. In the Ukraine, technology provided by Congressional Research Service has enabled the Verkhovna Rada (Supreme Council) to distribute legislation within ten days of enactment. The Lithuanian Seimas (Parliament) now transmits documents by e-mail, and laws and regulations are published in the biweekly *State News Bulletin*. The parliament publishes minutes of sessions and compilations of adopted laws at the end of each session. Eastern European legislatures also provide space and facilities to enable the press to cover legislative activities: Ukraine provides office space and a computer, and the Romanian Senat and Camera Deputatilor provide a room and desks for the press.

USAID has funded the production and distribution of directories that include legislator responsibilities, background information, and photographs. Typically such directories also describe the legislative process and the overall responsibilities of the legislature, and provide phone numbers for contacting legislators.

Such publications may be produced by the legislature or by an outside organization depending on willingness, resources, and ability. Of course, these publications will vary in their perspective on the institution and become outdated as changes take place in the legislature. In some countries these are sold and become economically viable (e.g., Bulgaria in text box next page).

l.   Develop visitor information centers

Many nations restrict citizen access to government buildings, including the legislature, often with good reason. While security concerns and the need to conduct business in an orderly manner may limit citizen access, legislatures seeking to be more open to citizens must find ways to permit as much access as they safely can, including programs to open up the legislature and legislative proceedings to more citizens. Another option is to develop a legislative information office or visitor center that conducts tours for the public and student groups and that can schedule meetings with representatives.

Assistance may include training for staff who manage these centers and funds for preparing materials. Programs may rely on voluntary labor (e.g., from universities), but should work toward the legislature's paying ongoing staffing and maintenance costs itself. Plans for how the

legislature will eventually fund these costs should be in place from the beginning. Facilities, construction, and repair are expensive. In recent years USAID has tended to emphasize the training of personnel and the transfer of skills and knowledge, and to discourage underwriting construction, maintaining facilities, and paying salaries. Any facility construction requires an environmental impact assessment. A more open and accessible legislature should lead to more frequent contact between legislators and citizens, and, hopefully, to increased citizen input in the policymaking process. Be aware, however, that increased access, particularly in low resource countries, could burden legislators with so many individual requests for assistance that they may not be able to carry out their other functions.

C.   Lawmaking

Lawmaking assessment questions presented earlier are intended to serve as a tool in determining the lawmaking potential and performance of the legislature. The activities described below are designed to help the legislature reach that potential:

1.   Helping Legislators Understand Their Institution Better

Design orientation programs for legislators

Turnover in some legislatures is rapid, and new members sometimes arrive not understanding

their responsibilities very well or even how to locate information and facilities. Orientation programs can help; they should be institutionalized to help new legislators at their induction. Consider drawing on experts from similar types of legislatures to conduct orientation programs.

Orientation workshops may utilize the services of current or former legislators from the host nation and abroad, as well as legislative administrators who can explain the institution's functions, services, products, systems, and procedures. These workshops are most useful if videos, tapes, and handouts produced for the orientation programs remain accessible in the legislative library or other location where legislators can refer to them as needed. Moreover, if they are kept readily available, they can be used with future legislatures.

2. Improving Mechanisms for Debate and Decision-making

a. Strengthen committees

Legislatures, like other complex institutions, accomplish more when they divide their work among smaller, more specialized units. Committee leaders and members become more expert in the committee's area of responsibility. Committees often do not play a major role for a variety of reasons, such as rapid turnover of committee members, lack of professional staff, and decisions being made unilaterally or without consultation by legislative leaders, executives and their agencies, or political parties. Committees tend to play lesser roles in parliamentary systems or where a single party dominates the legislature. It should also be noted that less formal groups than committees can benefit from similar activities, such as working groups, commissions, or caucuses that deal with a certain subject or that bring together certain individuals with similar interests (e.g., women or ethnic groups).

Given the constraints that often exist within political systems, what tactics have USAID programs tried in helping make committees more effective? They include the following:

- Workshops and conferences on comparative committee roles and functions

- Study tours for legislators to examine the responsibilities and performance of legislative committees in other nations

- Consultants to advise on reforming legislative rules and revising committee structures and processes (specialization, staffing, record keeping, etc.)

Issues of the structure and function of legislatures are power issues; there are winners and losers with every change that takes place. Donors should, therefore, exercise caution in pushing for specific reforms. Presentations on comparative committee systems and structures are usually well received; they allow legislators to consider a number of options for their committees.

Examples from Africa in the second half of the 1990s illustrate that, particularly in periods of political transformation, committee systems can undergo significant development.

b. Strengthen political party caucuses

In a number of situations (e.g., in parliamentary systems or in legislatures where parties are centralized and well-disciplined), party caucuses take on several, if not most, of the functions of legislative committees. As a result, specific activities to strengthen party caucuses in the legislature can mirror those that strengthen legislative committees. Care should be taken to be as inclusive among the democratic parties as possible. Agency policy states that assistance to political parties be non-partisan in nature and that it not overtly benefit one party over others.

3. Supporting Committee Staff and Infrastructure

A growing number of legislatures enlist the support of professional committee staff, both in managing the committee's business and in providing members with information. Incentives for developing strong, well-staffed committees are generally greater in presidential and hybrid systems in which the legislature and the executive are elected separately. However, even in parliamentary systems committees serve several important functions and may benefit from program activities. Program activities might include the following:

· Encourage the development of more professionally trained staff (box next page)

· Train staff in committee administration, research, computer use, record keeping, and report writing

· Organize study tours in which committee staff "shadow" their counterparts in legislatures of other nations. These programs can be expensive, and are best done as a part of an overall program of staff development.

· Arrange opportunities for staff to study abroad and intern in foreign legislatures. It may be necessary for the legislative staff person to sign a formal agreement with the legislature promising to return and work a certain number

of years after completing training. If staff members are not guaranteed tenure, this option could be problematic.

· Develop internship programs with local universities. Interns may supplement the services of committee staff.

· Purchase computer and other equipment, which committee staff can use for improved record-keeping and research. If this is done, missions need to assure an equipment control procedure to minimize loss.

Grafting relatively highly paid, professional staff onto a political body may threaten less professional staff members already in place. It should be done carefully, with the support of legislative leaders and, to the extent possible, of current staff. Factors encouraging staff to support (or at least not oppose) these changes can be clear backing by legislative leaders, assurances that new services do not duplicate current ones, and guarantees that any replaced staff will be retrained for other positions and opportunities.

4. Improving Information and Research Capabilities

Legislatures need reliable information if they are

to fulfill their lawmaking responsibilities. Legislatures depend on the executive to supply much of this information, but in many countries they also look to other sources (both inside and outside the legislature, partisan and non-partisan) to provide the information they need. Legislative research is distinct from academic research, especially in its presentation. Legislators lack the time to wade through in-depth research; they need only sufficient information upon which to base decisions, and it needs to be presented clearly. In addition to providing members training on how to obtain information, where can legislators go for this information, and what can be done to assist in this process?

a. Consolidate laws

Consolidated laws are national records of extant laws, collected, organized, and indexed for easy use. Without them, the legislature must, in effect, guess what policies have been codified and hope that new laws will fix their problems. Consolidating the laws can be slow and cumbersome, but it is extremely important. USAID funded law consolidation activities in Costa Rica in the 1970s, and included similar activities in its Uganda program. Program activities that consolidate laws also benefit judicial systems and rule of law programs.

b. Train committee and research staff

Committees, especially in larger legislatures in presidential systems, may have research staffs of their own. The U.S. Congress and legislatures in some of the larger U.S. states enjoy access to centralized, non-partisan research services, and to partisan research staff at the committee level. Legislative strengthening programs often assist their development by training, and sometimes providing temporary funding for professional committee staff. This latter would require a formal waiver from USAID.

c. Develop expert databases

Legislative staff or outside research groups may maintain lists of experts in different functional areas. They use these databases to solicit appropriate specialists to testify in public hearings, to speak at seminars, to comment on draft legislation, and to draft reports. USAID legislative programs in nations as diverse as Chile, Costa Rica, and Mozambique have developed and maintained these kinds of databases.

d. Establish or strengthen legislative libraries

Most legislatures have some sort of library. Especially in nations where the legislature has never played a significant policymaking role, the library tends to be less well prepared to respond to legislators' needs. Legislative libraries should provide accurate, current information, and a clear record of past legislative actions and decisions for their legislative clients, and, when possible, for the public. Legislators need access to an orderly institutional memory (i.e., so that they can know what laws govern their nation) and current local, national, and international information. Useful library holdings include the consolidated laws of the nation, daily legislative debates and summaries of laws, previous years' budgets, statistical information on the nation and its districts or regions, newspapers from around the nation, and newspaper clippings by region and by theme (e.g., agriculture and foreign affairs). Current statistical and policy information available through periodicals, databases, and the Internet are useful. The Internet and databases available for purchase can provide laws and regulations from other nations; few problems are unique to a specific nation, and nations can learn from others as they respond to their own problems.

Library and research capabilities should be developed based upon a thorough analysis of legislative information needs. Purchases of

equipment, databases, and library holdings, as well as additions to library staff, staff training, and all other aspects of library development should be justified in light of legislative information needs. Increasing the size and holdings of the library affords the legislature no benefit if it does not help legislators better fulfill their representation, lawmaking, and oversight functions. They also provide little benefit if new services are not used (as occurred in the Ukraine). Major investments in new or enhanced legislative services should not be made unless the users of the services are involved in their design, are provided training in their use, and use them to ends which improve the democratic climate in the country.

Legislative development programs can provide a variety of services to help strengthen legislative libraries. Consultants can help by studying the information needs of legislators and recommending specific services and enhancements to meet those needs. Programs can also organize training initiatives for library personnel. An internship in a legislative library abroad may be a good idea if the host nation has no adequate domestic programs for library and information science training. Short, in-country training programs by outside legislative librarians are less expensive and can cover many needs.

e. Develop research centers

There are a variety of institutional arrangements for conducting legislative research. Party-based institutes and think tanks in Latin America conduct ideological or party-oriented research. A growing number of legislatures have developed centralized research services, however, which provide committees and members with non-partisan studies.

Is it better to develop research services within or outside the legislature? What are the advantages and disadvantages of each? Each nation and

Bolivia

USAID assistance to the Bolivian Congreso from 1992 to 1998 helped develop and sustain a permanent, professional legislative staff office, the Congressional Research Center (CICON), which provided research, bill-drafting, and budget analysis services. CICON's success rested in large measure on the support of the legislative modernization committee (CML). CML helped CICON obtain congressional funding, used its influence to keep CICON neutral, and institutionalized the entity through congressional regulation. The "inside" approach was selected because the congress' president requested assistance to build non-partisan research capabilities inside the congress. USAID phased out direct funding of CICON from 100 percent in year one to zero in year three. As USAID support ended and congressional leaders not involved in the creation of CICON came to power, pressure to politicize CICON grew.

Guatemala

Beginning in 1996 and continuing today, USAID funds have supported CEDEL, a non-partisan commission of the Congreso de la República de Guatemala that provides research assistance to legislators. University students conduct research on policy proposals for the legislature, and many of these proposals are developed into legislation. Many of the students go on from CEDEL to become professional staff for legislative committees. Conditions were right for an "inside" approach in Guatemala in 1996. The legislature was new, the president of the assembly actively solicited the creation of the program, and the effort was undertaken with few opposing interests. USAID paid the costs of operating the center and a stipend for students.

each legislature is different, but the following considerations may be helpful:

Inside: Professional research services inside the legislature can empower the legislature to play a more significant role and increase its standing in the nation. The legislature may be more likely to use capabilities it controls. Staff working directly for legislators may be more responsive to legislators' needs than staff working for external institutions.

Special difficulties associated with inside programs include the following:

- Sensitivities that are inherent in a donor supporting work inside the legislature of a sovereign nation

- High turnover rate of legislative leaders often makes it difficult for programs to develop long-term relationships with leadership

- Integrating new, highly paid staff into a legislature and getting the legislature to support these higher salaries

- Keeping services non-partisan

If the plan is to develop research services inside the legislature, a mission should seek to establish a multi-party management group, and involve legislators and staff in designing the program activities and determining how costs will be absorbed by the legislature.

Outside: It may be easier to establish research services outside the legislature, because they will tend not to involve the program as directly in legislative politics. Outside centers, with their independent status, may also be able to bring legislators and non-legislative groups together in ways inside services cannot. They must make special efforts to stay in close contact with the legislature, however, if they are to be responsive to its needs.

Outside groups (e.g., universities) may have other priorities or find it difficult to understand and respond to legislative timetables. Without institutional and financial support from their primary client, the legislature, such centers may be difficult to sustain. Outside programs tend to be easier to manage and are less risky, but are often less successful in capacity strengthening.

f.   Develop bill-drafting services

The capacity to draft its own legislation strengthens the independence and potential power of a legislature, but the need for and interest in developing this capacity varies, based at least to some degree on regime type. Legislatures in pure parliamentary systems, for example, introduce little or no legislation, so have little need for bill-drafting services. This capacity tends to be located in one or more executive ministries and within political parties so, as opposition, they can propose alternative bills. Legislatures in presidential and hybrid systems, which are more independent of the executive, will tend to have a greater need to draft and amend legislation.

A professional bill-drafting capability allows legislators' preferences in legislation to be put into proper legislative language. Clear, accurate drafts of bills are necessary if legislation is to fulfill the intent of legislators. Imprecise language muddies legislative intent, and allows ministries more latitude in interpretation.

A variety of bill-drafting arrangements can be found, and range from ad hoc systems, where legislators might have friends and associates draft the bills, to systems in which political parties and party-based think tanks draft legislation, to centralized bill-drafting systems servicing the whole legislature. Bill-drafting reform efforts have generally moved toward institutionalizing and professionalizing the process. The various methods for building bill-drafting skills and services are similar to the range of those used to develop research services.

4. Strengthening the Legislature's Role in Budget-making

If the legislature does not have the authority to affect the budget, its role in establishing national policy and representing citizen interests is limited. Efforts can be undertaken to establish a greater role for the legislature in budget formulation and oversight.

D. Oversight

Effective legislative oversight can help make government more accountable and effective. This section suggests activities that can help a legislature practice oversight more effectively.

1. Improving Knowledge of Factors that Enhance Oversight Capacity

a. *Provide exposure to other systems of formal oversight authority*

Legislatures acquire oversight power at the expense of the executive, which may not willingly give it up. This power varies from nation to nation.

The ability of legislatures to keep track of actions of the executive (and other branches of government) is enhanced tremendously if they have the formal authority to do so. Critical factors here are the electoral system and the legislature's authority and willingness to monitor the executive, and its ability to force an unwilling executive to report to the legislature, if such authority exists. Regime type is also important. Legislatures in parliamentary systems are likely to have less formal oversight authority than their counterparts in presidential systems, and what powers they have will likely be exercised by the opposition.

Legislatures in many nations have created agencies similar to the U.S. General Accounting Office, which investigates the activities of the executive branch to help improve program performance. There is an international association of audit agencies, which individually report to their respective legislative bodies. These agencies' staffs are almost always larger and more professional than other legislative staff. A challenge for legislatures is to learn to make the best use of these agencies' findings.

An example of a legislature increasing its formal oversight authority is the British House of Lords which, while it no longer has much impact on legislation, does have a good deal of oversight authority. (It is significant, here, that the selection process for the House of Lords is different from the House of Commons, and that membership in the House of Lords is independent of party affiliation.) A legislature that lost oversight power is the Ecuadorian Congress, which can no longer remove the president from office, since the constitutional reform of 1998.

Legislation or constitutional reform that increases legislative oversight powers is

As a follow-on to a conference on the role of the military in democracy, the USAID-supported program brought a former Latin American minister of defense to speak to members of parliament, representatives of the Ministries of Defense, Finance, and Security, and of NGOs. Participants discussed the parliament's role in overseeing the defense budget and the executive, in general, as well as the benefits obtained due to greater transparency and accountability in the defense budget process. As a result, the Parliamentary Defense Committee has been able to increase its oversight of the military and cooperation has significantly improved between the committee and the ministry. For example, the ministry reorganized the defense budget, providing line item information, and submitted it to the Parliamentary Defense Committee. The newly organized budget has increased the committee's ability to conduct oversight.

generally not within the purview of development assistance. Study tours, conferences, and consultancies that expose leaders to other systems, however, may encourage such changes.

b. Provide exposure to legislative systems with longer committee terms

In political systems where committee chairs and members change yearly (or even more often) there is never sufficient time or motivation for members to develop subject-area expertise. Longer terms for members would encourage some to become more expert, which would contribute to their ability to conduct oversight. However, there are political reasons for short committee terms. Short tenures tend to keep legislators conscious of the interests of party leaders, who can reward or punish legislators each year by granting or withholding good assignments. If they develop expertise and independent power, strong committees may also

be a threat to party leaders and the executive. Action supporting longer committee tenures should probably build on already existing supports rather than trying to generate initial support for legislative committee tenures.

c. Providing technical assistance on strategies to enhance oversight

Many of the tactics and activities for strengthening lawmaking capabilities, such as building research and analysis capabilities, developing staff, and strengthening committees, will also strengthen a legislature's capabilities to conduct oversight of the executive. What other specific strategies can legislators employ to increase their capacity to conduct oversight? In 1997, a USAID-supported workshop held in West Bank/Gaza discussed, in part, the issue of how legislatures can get the executive to provide information, to respond to legislative requests, and to abide by the will of the legislature.[9] Legislators and former legislators from different political systems who spoke at the workshop suggested the following strategies:

• Request meetings with the executive to discuss important issues over the next year

• Find ways to improve access to government ministries, which is often easier when ministers are also members of the legislature

• Develop sufficient expertise in order to understand what the executive is doing with the budget

• Request on-line access to government accounts

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[9] For additional information, see NDI Workshop, Legislative-executive Relations: Governing in Partnership. A Workshop for the Members of the Palestinian Legislative Council, May 17-18, 1997.

- If there is a public accounts committee, engage it in a continual audit process

- If the legislature has taxing and spending authority, consider withholding what the government wants in order to get its attention

- Use public committee hearings and meetings to focus attention on issues requiring government response

- Learn to apply interest group pressure on the executive

- Encourage the development of citizen monitoring groups, which will follow and report on inappropriate government activities

- Make strategic use of executive question periods, including enlisting the media. If the executive anticipates seeing its answers in print, it may decide to change its responses

- Select a few issues of special importance, and work with the media and public to get the administration to focus on these

- Enlist the support of the international community, through groups such as Transparency International, to expose improper government activities

- Examine oversight systems in other nations, and attempt to incorporate those strategies that might be effective

2. Strengthening Budget-making and Budget Oversight

Legislatures have used many of the following methods to strengthen their budget-making and budget oversight capacities:

a. Increase legislative budget authority

Legislatures that have broad budget authority (i.e., reviewing the budget, requesting more details and greater justification, revising the budgets submitted by the executive, formulating national budget priorities, and developing their own legislative budgets) can exercise greater oversight of the executive. Exposure to political systems in which the legislature exercises significant budget authority can catalyze legislators to push to expand their own authority.

b. Amend budget adoption provisions

A legislature may require that the executive give it sufficient time to study the budget before it has to vote. Other legislatures pressure the executive to bring them into the budget process earlier.

c. Improve legislative access to budget information

Access to information on program spending and its results helps a legislature more effectively

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Legislative Accounting Information: Bolivia

The president of Bolivia granted the Bolivian Congreso on-line access to the executive accounting system as soon as a new, professional budget office was established in 1993. The congress quickly set about exercising its new rights. Members used this budget information to question ministers and other government leaders, who had to begin preparing more thoroughly for congressional questioning periods.

The Bolivia example illustrates, however, that access given can also be taken away. A subsequent administration, less willing to share this information with the congress, cut off legislative access to the accounting system. It was later reestablished.

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practice oversight. Members of the government administration are often reluctant to share this information, so the legislature may need to use pressure to get it. (For specific examples, see comments from NDI workshop, above).

Some legislatures have on-line "read only" access to government accounting systems that enable them to observe government spending on a daily basis, and, therefore, to better oversee government spending. Exposure to other nations with such access, particularly for those at a similar level of development, may encourage members to push for similar authority.

d.   Simplify budget formats

Executive budgets (sometimes by design) can be confusing and difficult for legislators to understand and use. Consultants can recommend changes in the budget format that make it easier to understand. The legislature may request or require (depending on its power and relationship with the executive) that the budget be presented in that format.

e.   Introduce budget hearings

Many legislatures conduct public hearings or other public airing of budget issues. Information obtained can help legislators refine the budget to make it more responsive to citizen needs. Hearings can also be a means of applying interest group pressure on the executive.

f.   Provide expert input

Legislatures may develop means of tapping the knowledge and expertise of budget specialists outside the government. Staff can assist by maintaining address and phone lists of budget experts. Appropriate experts can then be invited to participate in public hearings or seminars, to comment on the executive budget, and to provide budget assistance.

g.   Train professional budget staff

Professional budget staff can simplify complex budget information so that busy, non-specialist legislators are better able to understand and use it. In some systems legislators use staff to investigate executive spending and program performance.

h.   Provide legislative budget software

Budgets are notoriously difficult to read and analyze, even in the most simplified and straightforward format. Software can be provided that can help legislators and legislative staff analyze the content of budgets. In addition, software can both store and be used to analyze data on an ongoing basis, so members can track changes over periods of years more easily, identify errors, and raise issues that need to be addressed and resolved.

E.   Management and Infrastructure

Inadequate legislative management and infrastructure hinder the ability of a legislature to carry out its responsibilities. Strategies for improving representation, lawmaking, and

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Legislative Budget Software: Chile

In 1991, staff of the new Center for Legislative Studies and Assistance (CEAL) in Chile surveyed Chilean legislators about their needs in the budget area. The new legislators were trying to evaluate the executive's proposed budget each year without knowing how previous years' funds were budgeted and spent. CEAL developed software that showed, by line item, what was budgeted and what was spent (and the percentage change from year to year) over each of the previous three years. The budget software enabled legislators to develop more informed questions for ministers during the budget-questioning periods.

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oversight have often incorporated a number of specific infrastructure and management activities (e.g., making legislative buildings more accessible); this section addresses many of them.

1. Improving the Administrative Performance of the Legislature

a. Enhance record-keeping systems

In some nations, the record of the legislature's actions is provided so late or is so inaccessible it is of little value to legislators, the media, or the public. Improved record-keeping systems may range from accurate and timely paper records and publication of votes in plenary and committee, to sophisticated systems such as Peru's legislative web page. Consultants can help design improved systems for recording and reporting legislative activity; training and financial assistance can help the legislature implement such programs.

b. Standardize administrative procedures

Both legislative performance and public confidence in the legislature are likely to be increased if the legislature establishes and follows regular administrative procedures. Such procedures include rules that standardize job descriptions and salary levels for staff and that establish consistent standards for such actions as hiring, promoting, and firing personnel and purchasing equipment and supplies.

Expert consultants can help produce draft standards and procedures, which can be reviewed, amended, and put into practice. National service rules may provide a starting point in developing personnel practices for the legislature. Program designers need to regard the situation of each legislature (long hours, little job security), with a few special considerations:

· While the legislative personnel system can be patterned on the executive civil service, it

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Effects of Introducing New Technologies:

West Bank/Gaza

Although the new Palestinian Legislative Council in West Bank/Gaza had procedural rules, they were not always followed; at times, there was confusion in the chamber. A complete voting, sound, and transcription system was installed in the plenary chamber. This has helped create more order and closer adherence to the rules. When the speaker recognizes an individual, only that individual's microphone is turned on and only that individual can be heard, effectively establishing who is to speak.

Lebanon

Experience in Lebanon provides an interesting contrast. The USAID program there installed a combination voting and sound system in the Lebanese Majlis al-Nuwaab (Chamber of Deputies), but the new technology raised unforeseen procedural issues. The new system automatically recorded when a member was and was not present for plenary sessions. It also eliminated the custom of being able to speak from the floor without being recognized by the chair. (These issues are not unique to Lebanon, but are factors for any legislature to consider when adopting similar systems.) The new technology has changed the political environment in the legislature. Members have not been comfortable with these changes and have been reluctant to fully utilize this new technology.

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should be legally separate to maintain the independence of each branch.

· Legislative work is likely to be quite irregular, involving long hours at some times and a relatively light workload at others.

· Many legislative jobs, especially those involving policy formulation, should be politically responsible and accountable. Others, including technicians such as bill drafters or purely administrative staff such as secretaries, should have more tenure and protection.

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c. Draft manuals of administrative procedures

Standardized procedures in printed form can help institutionalize administration procedures, reduce corruption by limiting favoritism and nepotism, and thus increase confidence in the legislature.

Administrative manuals describe standard purchasing, accounting, and employment practices. They may also include standard forms for evaluating employees and keeping accounts. Consultants, working with legislative staff to define these practices, might be contracted to develop such manuals. Administrative staff in the Congreso de la República de Guatemala make regular use of the administrative manuals produced under the USAID program.

2. Reforming Rules of Procedure

Legislative rules of procedure govern all aspects of legislative management: how a bill becomes law, procedures for questioning ministers, division of leadership responsibilities, and even the basic administrative housekeeping of the legislature. Often developed in a haphazard fashion over many decades, they may resemble a complicated and confusing maze that unduly complicates the business of legislating.

Rules reform is a constant, or at least frequent, process, as legislatures adjust to their changing environments. Rules reform is a complicated and delicate activity because legislative rules determine who does, and who does not, have power, and how and under what conditions power is exercised. Rules reform generally seeks to simplify and streamline legislative procedures, so that the rules help, rather than hinder, the legislature in conducting its business.

By definition, rules institutionalize the legislative process. In so doing, they

· Facilitate the work of the legislature

· Reduce the amount of non-controversial legislation discussed in the plenary

· Limit debate time, and shift work from the plenary to committees

· Address legislative ethics

· Ensure opposition parties and groups a voice in legislative proceedings

· Address resource allocation procedures

3. Improving Physical Facilities and Equipment

Developing legislatures typically suffer from inadequate facilities and equipment. Meeting rooms, sound systems, phones, copy machines, and offices all tend to fall short of what is required for the institution to be effective. Ideally, the physical plant should feature adequate space for plenary and committee meetings, heat/air conditioning, and at least some minimal equipment.

While physical improvements are probably needed and are often high on any wish list, they also tend to be very expensive. Two suggestions are offered here on investing in physical improvements in legislatures. First, physical improvements and equipment should be means to specific ends, not ends in themselves. Improvements in infrastructure and equipment should, at a minimum, help the legislature perform its basic democratic functions and, preferably, be a component of a larger legislative strengthening program that is clearly linked to strengthening democracy at the macro level. Also, care should be taken that new items are dispersed equitably among political parties and in a manner which assures accountability and prevents theft and personal use. Administrative reforms stalled in the Assembly of El Salvador, for example, because copiers and

other equipment were not being allocated to minority parties.

Second, if equipment such as computer hardware or software is to be purchased, missions should plan training for current and incoming legislators and staff, and take into account future maintenance, upgrading, and training needs.

TABLE 2: LEGISLATIVE STRENGTHENING ACTIVITIES

POLITICAL WILL/ DOMESTIC SUPPORT	♦ Establish/strengthen a legislative modernization group ♦ Expose leaders to successful groups in other nations ♦ Organize a legislative leader study tour ♦ Hold workshops/conferences on comparative legislative strengthening ♦ Convene decision workshops ♦ Assist in drafting of legislative development plans ♦ Administer legislative questionnaires
REPRESENTATION	♦ Encourage public interest fora ♦ Train citizen organizations and advisory groups ♦ Prepare citizen groups to testify at public hearings ♦ Help candidate information programs ♦ Finance public opinion polling ♦ Train journalists ♦ Provide rules reform assistance ♦ Provide exposure to other electoral systems (electoral reform) ♦ Assist with public hearings ♦ Assist legislatures to provide adequate notice of meetings ♦ Develop bill-status systems ♦ Improve the quality, distribution, and timeliness of legislative records ♦ Conduct media and constituent relations programs ♦ Help develop facilities for meetings with constituents ♦ Develop legislative web sites ♦ Produce publications on the legislature ♦ Develop visitor information centers
LAWMAKING	♦ Design orientation programs for legislators ♦ Strengthen committees and political party caucuses ♦ Develop committee staff and infrastructure ♦ Consolidate laws ♦ Train committee and research staff ♦ Develop expert databases ♦ Establish/strengthen legislative libraries ♦ Develop research centers ♦ Develop bill-drafting services
OVERSIGHT	♦ Strengthen the legislature's role in budget making ♦ Provide exposure to other systems of formal oversight authority ♦ Provide exposure to legislative systems with longer committee terms ♦ Provide technical assistance on strategies to enhance legislative oversight ♦ Increase legislative budget authority ♦ Amend budget adoption provisions ♦ Improve legislative access to budget information ♦ Simplify budget formats ♦ Introduce budget hearings ♦ Provide expert input ♦ Train professional budget staff ♦ Provide legislative budget software
MANAGE-MENT/ INFRA-STRUCTURE	♦ Enhance record-keeping systems ♦ Standardize administrative procedures ♦ Draft manuals of administrative procedures ♦ Assist in reforming rules of procedure

V. CONCLUSIONS

The foregoing sections have discussed the functions that legislatures perform, means for determining the strengths and weaknesses of legislatures, and activities and approaches that have been used to help address legislative weaknesses. This final section will present more general points on implementation, and conclude with comments on where legislative strengthening assistance may be heading over the next few years.

A. Implementation Considerations

- **Provide "flexible options."** Legislatures are all different, and they do not respond well to "one size fits all" approaches. In practice, this means providing a legislature a variety of alternatives for improvement and working with members to determine what should be done.

- **Expect only incremental changes.** While there may be occasions when rapid progress can be made, expectations should be realistic. Benchmarks and milestones should be established accordingly.

- **Begin with something tangible.** Producing visible results, such as a specific legislative service, early in the program may help build support for long-term efforts with the legislature, the mission, and the general public.

- **Seek synergies.** It is important to keep in mind the interrelationships among capacity-building activities. The legislative functions of representation, lawmaking, and oversight can reinforce one another to produce a more effective institution. Conversely, unless a legislature develops minimum capacity to represent citizens, to consider laws, and to watch over what the executive branch is doing, then no capacity-building effort is likely to produce macro level democratic changes. In addition, given the legislature's central role in a democracy, strengthening the legislature may contribute to political objectives within other democracy subsectors (e.g., civil society or rule of law) or other economic and social development sectors (e.g., education or environment).

- **Leverage activities.** Use study tours to expose members to different systems and to bring together members with different points of view to achieve shared objectives.

- **Get leadership support.** Legislative leaders must agree with any program to strengthen the legislature, and they must be an integral part of activities within the legislature if the activities are to succeed. If legislators are not in agreement, consider making small investments in activities such as study tours or conferences that may help them develop an interest in reform.

- **Work for cooperation and allegiances.** Getting to the point where at least some objectives can be worked on cooperatively by a variety of parties may be an important first step.

- **Balance political participation.** Balancing the participation of the various political parties in program events is important. Determining who participates in study tours or training events is quite often a sensitive issue. It is also a good idea to balance political participation of those whom visiting legislators meet. For example, when visiting the United States, visiting delegations should have an opportunity to meet with both Democrats and Republicans.

- **Never forget that "It's all political."** Nearly everything done in a legislative program can be considered political. There will be both

winners and losers. Rules reforms that reduce ambiguities in the legislative process also reduce discretion. Procedural changes influence information and resources flows, thus changing the access to power. New or upgraded professional staff may threaten existing legislative staff or party-based staff that develop party policy positions.

· **Expect outsiders to be the first to use new capacities.** Opposition groups, which do not enjoy the same access to government ministries and resources that legislators from the governing party do, may be the first to take advantage of enhanced legislative capabilities. As a result, there may be resistance from the party in power.

· **Consider the timing of activities.** It is not necessary to try to do everything at once. Indeed, in many instances it is inadvisable. In multi-year programs especially, missions may be better able to accomplish objectives if they are pursued in a particular order, not randomly. The frequent political changes in a legislature mean that reforms not possible today may be possible tomorrow, and vice versa. Programs must constantly keep an eye on macro-level democratic impacts of programs to gauge success.

· **Use outside pressure for reform.** Consider working with NGOs and other interest groups outside the institution to build pressure for internal reform or for enacting a specific piece of legislation.

· **Pursue third-country linkages**. Other, particularly neighboring, countries, whose legislatures may have much more in common with the host legislature than do those of the United States, may be appropriate sites for study tours and as a source of advisors. Legislatures at a similar stage of development or whose systems are similar to those of the host nation may be most appropriate.

· **Seek multi-donor support.** Support from more than one donor may make it much easier politically for legislatures to accept development assistance, and can reduce costs for each donor. Donor coordination, while essential, can be complicated. While multiple-donor participation may enrich program activities, working with other donors will require flexibility. Regular donor coordination meetings help. If mission plans are dependent on programs by another donor, be prepared with alternative plans in case activities do not proceed as planned.

· **Consider regional programs**. Links with other USAID Missions in the region may be a cost-effective way to develop exploratory regional responses to legislative program needs.

· **Pursue sustainable strategies.** Start working toward sustainability from the beginning. All of the following tactics for maintaining momentum have been tried in legislative programs:

   Create national ownership. If legislative leaders are involved in the program from the beginning, and if they play a significant role in shaping the development of new services, they are likely to be more willing to fund them once donor funding ends.

   Support new services on a limited basis. If they have never seen specific legislative services, legislators may at first be unwilling to commit themselves to continuing the service once it is in place. Consider creating the service or capability on a limited basis with the expectation that once legislators have had an opportunity to use it, they will use and support it in the future and commit their own funds to it.

Build capacity outside, then move it inside. In some cases, it may be advisable to create certain types of capacity (e.g., research or bill drafting) outside and then move it into the legislature once legislators appreciate it. This may be a useful technique when the legislature lacks sufficient capacity or when staff is highly partisan or tenure is uncertain. While this may be a good idea in theory, keep in mind that those who have a vested interest in keeping the capacity outside the legislature may resist the move from "outside" to "inside."

Set up maintenance agreements. Design a maintenance plan for infrastructure improvements and require legislative leaders to agree to that plan before new equipment is installed. This is required by law for U.S. assistance.

Figure out how services from outside can fund themselves. Service-providing institutions from outside the legislature will need to develop their own strategies for long-term sustainability. Organizations will need to consider their clients, other funding organizations, and possibly their own governments in securing long-term funding.

Establish phase-out funding. Make efforts to get the host legislature to agree to pay for new services on a staged basis as a condition for continuation after an initial start-up.

Make some changes permanent. Establishing permanent status for modernization groups increases the likelihood that they will continue to exist once donor support ends and continue to function for the purposes for which they were designed.

- **Understand that legislative development is more like engineering than physics: there is more than one right answer.** Given the political uncertainties associated with democratic development, even well conceived plans are often frustrated by events. It is therefore useful to consider alternatives and to turn to them rather than waiting for circumstances to become optimal.

Finally, keep in mind that legislative development is a combination of lofty ambitions, a lengthy list of mundane activities, and a persistent and focused effort. It is a long-term indigenous process, which donors can help stimulate. Objectives, targets, and expectations need to be kept realistic and meaningful to democratic change. Development takes place in an environment that is characterized by legislators jockeying for position and temporary advantage, discussing topics that constantly change, and responding to forces beyond their own control. It is this very susceptibility to outside influences, the ever-changing array of topics and behavior, that in fact can make legislatures democratic, representative institutions.

B. Emerging Issues

Considering the changes emerging in legislatures throughout the world, USAID field staff should keep an eye on several key trends. These will not be evident everywhere at once, and there may be places where they do not appear at all. New issues not presented here are also sure to surface. The Center for Democracy and Governance welcomes missions' perspectives on these issues to ensure that its technical leadership strategy best reflects the issues that the field faces in this area.

1. Increasing Citizen Involvement

Legislative strengthening efforts at the beginning of the 1990s, best exemplified by the

USAID-funded Frost Task Force/Congressional Research Services programs in Eastern Europe, focused almost exclusively on building technical capacity within national legislatures. During the decade, however, the focus broadened, with an increasing emphasis on helping the legislature become more representative of and responsive to citizen needs. USAID has worked to increase the representative role of legislatures through outreach programs, the promotion of greater transparency in procedures and structures, and the creation of more points of access by citizens. In addition, the Agency has provided support to citizens, NGOs, and the media to enhance public participation in policymaking.

2. Cross-sectoral Programming

Increasing responsiveness to citizens' needs may encourage greater involvement of legislatures in other issues important to sustained democratic development, such as decentralization, anti-corruption, civil-military relations, or rule of law. Other, non-DG specific areas include economic restructuring and privatization.

For example, many countries in the throes of democratic transition are already decentralizing. As power is ceded to lower levels of government, at least formally, legislatures in their oversight role may be called upon to pressure national governments to devolve power. In addition, what powers can be spun off and how fast, what level of residual control must be maintained at higher levels, and what resources will be allocated to subnational levels and how are all questions that will continue to confront most legislative bodies. Also, as power is devolved to subnational levels of government, local deliberative bodies (i.e., provincial assemblies or municipal councils) also need to develop their democratic roles. What "legislative strengthening" means—and how it can be supported—will not be identical with national-level legislative development. This latter area is one in which USAID does not have extensive

experience and where there is limited practical knowledge.

Similarly, legislatures, through their representative, lawmaking, and oversight functions, can play a critical role in curbing levels of government corruption. As an institution, the legislature has an important symbolic value. By developing codes of ethics, a legislature not only helps institutionalize its practices but can take the lead in promoting integrity and transparency in government. Some of USAID's implementing partners have, in the last several years, made an effort to work with legislatures along these lines. Codes of ethics also add greater credibility to the legislatures as they formulate anti-corruption laws. In addition, by reviewing the national budget and monitoring expenditures and implementation, legislatures can take an active role in ensuring greater integrity within government as a whole.

Finally, as expertise in various issue areas increases, legislatures develop the capacity to articulate laws that respond to citizen concerns about justice, personal security, and military budgets and expenditures. Greater knowledge within the legislature of the security needs of the nation, the budget constraints a country faces, and the alternative roles the military can perform means a greater pluralism of opinions and perspectives on these issues and a greater ability to offset the military's dominance.

3. Developing Professional Legislators and Staff

Many legislatures that have not had many professional staff in the past are moving rapidly to acquire them. Even in parliamentary systems, where the executive branch generally does analysis and bill-drafting, legislative bodies have found that they need independent analytic and management capabilities.

Where there is staff, the need for continuing skill development is clear, and legislatures are often willing to devote resources to this. The world is increasingly more complex and subject to rapid change; since public policy must keep up, the legislature's job is also more complex and mercurial. Continuous enhancement of staffing is one way to meet this challenge, and legislators know it. Donors can play a role here, but must tread lightly.

More legislators are also becoming aware that they themselves need continuing education. In a fast-changing world, they need to keep abreast of developments in substantive policy areas, of programs being attempted in other countries, and of new legislative management tools and techniques.

4. *Using Information Technology Advances*

As in practically all arenas, computers are becoming pervasive in legislatures. More technically advanced legislatures are working with the Internet, Intranets, web pages, budget simulations, and constituent databases. Even legislative bodies with less access to technology are moving toward computerized bill-tracking, statute retrieval, and payroll systems. All are aware of the reality and the potential of information technology for the legislative process.

Legislative leaders with whom USAID works will almost certainly request assistance in designing and installing computerized legislative information systems. Proposed information systems should be scrutinized to avoid quick fixes or upgrading that does not directly address legislative needs or further develop the legislature's democratic nature. Also, given the rapidly changing world of technology, major expenditures should be avoided. One solution is to let the host government purchase the hardware and have donors assist with software and technical assistance/training.

The Internet dramatically increases the ability of legislators and constituents to communicate with each other and with others throughout the world. The Internet's impact on legislative processes, however, will not become clear for years. It is very likely that every legislature already has some Internet connections, but more likely than not there will be requests for more legislators, or at least for every committee, to be connected to the Internet. This is a growing demand beyond donor capacity to respond and assistance should be avoided unless it can be strictly delimited.

For the foreseeable future, Internet connections are likely to promote access inequality and unknown political impact, as only well-off and well-educated members of society and more affluent organizations will have access to them. This disadvantage may be offset by the increased ability of legislators to gather information from other countries, with the possibility of improving policy analysis and decision-making.

5. *Confronting Ethical Dilemmas*

Related to the role that the legislature can play in promoting greater transparency and integrity are the ethical dilemmas legislators face as their ability to shape policy, write laws, and influence the budget and its allocation increases. Contrary to common belief, ethical standards for elected officials are higher than at any time in the past—that is, more types of behavior are judged to be unethical, and in general elected officials are complying with these higher standards. However, more rigorous standards increase the likelihood that elected officials will face ethical dilemmas in their daily work. Actions that were formerly acceptable may no longer be so, and not all legislators will understand the new standards. This is in part because ethics laws do not usually pertain to ethics in any comprehensive way, but instead tend to focus on the special ethical case of financial conflicts of interest. Thus, a wide range of unethical acts may not violate specific ethics law, further complicating ethical choices.

Many ethical dilemmas arise in the realm of constituent services. When a legislator helps a citizen who has a complaint or request, at what point is the legislator no longer a legitimate ombudsperson but a corrupt influence peddler? When does assistance to the district cross the line and become graft? From a different perspective, when a legislator accepts a study tour is this perceived as a sell-out to foreign powers? Money need not change hands for this to become a significant ethical question.

As legislators, the public, and the media have become more sensitive to and vigilant about these issues, legislative assistance efforts will need to take them into consideration. However, ethical expectations are highly culture-specific, so outside experts cannot provide definitive guidance. Local academics and practitioners are more likely to have the appropriate background for advising legislative programs.

6. Assessing Growth in the Field

An increasing number of donors and NGOs are involved in assisting legislatures. Nations such as Australia, Canada, and Great Britain are funding legislative strengthening activities. The Inter-American Development Bank has provided loans for a number of large Latin American legislative infrastructure development programs, and the Organization of American States has sponsored several conferences and small projects. The World Bank gave Chile a major loan for legislative strengthening, and the United Nations Development Programme (UNDP) has coordinated multi-donor funding for large legislative programs in Ethiopia, Indonesia, and Mozambique. UNDP is also funding several small legislative programs with a three-year grant from Belgium. Legislative associations, including the Inter-parliamentary Union, the National Conference of State Legislatures, and regional associations in Latin America are involved in legislative strengthening in developing nations, generally with outside

funds. The National Democratic Institute for International Affairs, the International Republican Institute, The Asia Foundation, universities, and regional groups are also quite active. Each donor must plan assistance in the context of all of these efforts and institutions.

Where legislatures were once an unusual target for donor assistance, they have become more popular. Donors do not all have the same view of the legislature's role and they may differ about the aims of legislative assistance. Donors come with different political and development priorities and others from different perspectives on the likely impact of assistance. Other differences come from the type of system that a particular donor itself has (i.e., parliamentary vs. presidential constitutional structure, single-member district vs. proportional representation system; and open- vs. closed-list election system). Conflicts could arise not so much from policy differences but misunderstandings. The other side of this is that donors from some countries have experiences that give them comparative advantages over other countries, and this should be recognized. USAID field staff will face the challenge of seeking to integrate its programs with others whose basic programmatic goals may not always be congruent with U.S. policies and preferences. The host country must actively participate in dealing with these differences.

7. Changing Nature of Legislative Assistance Programs

As was noted in the introduction, in the late 1980s and early 1990s, USAID legislative strengthening assistance focused largely on redressing the balance of power between legislatures and executives by building the technical capacity of legislatures. Legislative programs expanded in the mid-late 1990s to emphasize relations between the legislature and civil society. What will legislative strengthening programs look like in the next decade?

The dual emphasis on legislative institution building and responsiveness to civil society is likely to continue. At the same time, a third emphasis is emerging: the roles of political parties in the legislature. While some of USAID's implementing partners (as well as other donors) have worked with parties in defining their roles within the legislature and have sometimes done so with USAID funding, this has not, until recently, received priority attention as part of mission programming.

Depending on the nation and the political system, political parties in legislatures make policy proposals, set legislative agendas, and negotiate policies, often before proposals even reach the legislature. In some electoral systems party coalitions within the legislature negotiate to put a government in power, and can render it ineffective by removing their support. Party caucuses deliberate and make policy and party leaders and officers (whips) enforce discipline. Assisting legislative parties, however, raises a number of issues with which policymakers will need to grapple, and assistance in this area may therefore proceed slowly.

8. *Evaluating Results*

Many USAID and other programs were first mounted five or ten years ago, and funding sources, such as the U.S. Congress, are now asking what results have been achieved. It will become more and more necessary, for both existing and proposed activities, to articulate measurable (or at least observable) program outcomes at both the legislative and national democratic change levels. The measures need to go beyond merely counting events or attendance to describe what actual changes in the behavior of political institutions are attributable to specific legislative strengthening programs.

USAID needs quantitative and qualitative data to determine whether scarce resources are producing intended benefits. Measurement of

concrete results not only needs to confirm that Agency programs are indeed effective; it also needs to serve as evidence to the public that legislatures around the world are changing and improving. These results also can play a beneficial role by demonstrating to legislative leaders and members that they can make progress in strengthening their institutions and strengthening democracy in their countries. They can then turn around and use the results to gain greater support from political parties, voters, civil society organizations, and other important stakeholders who initially were reticent to support legislative reforms.

The purpose of this handbook has been to provide USAID Missions and their implementing partners an understanding of the factors that influence programming decisions to support legislatures in their democratic roles. For that reason, it has focused on a general discussion of those factors, their incorporation into legislative strategic assessments, and the specific programmatic approaches and activities that will help address the needs of a host-country legislature.

How these activities ultimately lead to measurable results is a critical issue, but one that is not addressed here specifically. In part, this is due to the fact that the desired results (increased citizen participation in decision-making, a more influential legislative role in establishing national policy and budget priorities, greater role in reconciling societal conflict, more democratic internal management processes) do not fit neatly into the structure of the handbook. In addition, the specific activities listed often address two or more results that might be anticipated.

The next step for the Center for Democracy and Governance is to analyze more thoroughly how these activities that support legislatures lead to measurable results, at both the Intermediate Result and Strategic Objective levels. In the meantime, USAID's *Handbook of Democracy*

and Governance Program Indicators provides a
set of possible indicators for measuring results.[10]

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[10] *Handbook of Democracy and Governance
Indicators*, Technical Publication Series (Washington, DC:
USAID/Center for Democracy and Governance, October
1998).

APPENDIX A:
Sample Legislative Needs and Priorities Assessment Questions

POLITICAL WILL AND DOMESTIC SUPPORT

Institutional vision
· Do legislative leaders express specific goals for their institution?
· Do they express concern for the strength and performance of the legislature?
· Are legislative leaders attempting to reorganize the institution to increase its power, and to make it more effective?
· Is there at least one group of reform-minded legislators seeking to strengthen the institution?
· What is the party affiliation of reformers? Are reformers of both the majority and the opposition?
· Does the legislature have the political will to practice the oversight powers it possesses?
· If the legislature does not control its own budget, is it making efforts to do so?

Leadership modernization groups
· Have the legislators established a group within the legislature responsible for institutional development?
· If yes, what is its mandate? What are its formal and informal powers?
· Is it ad hoc, or is it established by rule or regulation as a permanent legislative committee?
· Does the group meet regularly?
· Are group members important political actors?
· Do they enjoy the support of legislative leaders?
· Is representation in the group reflective of the parties in the legislature?
· Does the group reflect the different parties or factions within the legislature?
· Do members remain on the committee between elections? Or do they turn over each year?

REPRESENTATION: INTERACTION BETWEEN THE LEGISLATURE AND SOCIETY

Citizens' observation of activities
· Are citizens allowed to visit the legislature, and to attend plenary and committee sessions?
· Are plenary and committee meetings open to the media? Are legislative sessions accessible to citizens via radio, television, or the Internet?
· Is their adequate notice of meetings and agendas?
· Does the legislature allow or encourage tours by the public (e.g., by the general public, tourist groups, and school groups)?
· Does the legislature have a visitor's center?
· Do legislators hold press conferences and interact with the media?

Citizens' access to accurate, timely information
· Are records of legislative meetings accurate, timely, and available to the public?
· Does a bill-status information system exist? Does the public have access to it?
· Does the legislature make available publications such as member directories, pamphlets, and brochures?
· Does the legislature maintain a web site? Are citizens able to use it to contact their legislators?

Citizen interaction with legislators
· Do citizens meet regularly with legislators in the capital and/or in legislative districts?
· Do legislators have district offices?
· Does the legislature schedule time for members to travel to their districts to meet with constituents?
· Do legislators or parties have staff representation in electoral districts?
· Does the legislature hold public hearings in the capital or electoral districts?
· In party-list systems, do parties assign legislators constituent relations responsibilities and provide them incentives to maintain strong constituent relations?
· Do legislators and staff return telephone calls, faxes, and e-mail?
· Is there regular public opinion polling, and are results publicized?

Electoral laws and the party system
· What type of electoral system (e.g., single-member, multi-member, party-list) does the legislature use?
· Is party discipline strictly enforced?
· Do members ever vote against their party?
· What are the rights of opposition parties in the legislature?
· Are political parties open to public input? Are primaries held?

Civil society, constituencies, and the media
· Are citizen groups organized, and do these interest groups communicate and interact with the legislature?
· Are civil society organizations internally democratic and do they represent their membership?
· Do universities and think tanks communicate their policy-related research to the legislature and the public?
· Do civil society groups conduct public fora on the legislature and provide candidate information?
· Do the media provide accurate, objective reporting on the legislature?

LAWMAKING: AUTHORITY AND PERFORMANCE

Formal lawmaking powers
· Is the system presidential, parliamentary, or hybrid?
· Does the legislature have sufficient time and other resources to adequately review budget and policy proposals of the executive?
· How many bills were adopted in the previous session?
· Does the legislature have the power to amend legislation it receives from the executive?
· Can members themselves introduce legislation?
· Do other branches of government, or groups in society (e.g., executive, courts, universities, the public through referendum) have the authority to introduce legislation?
· Can the executive veto legislation? Can the legislature override executive veto?
· Does the chief executive have the power to rule by decree? Under what conditions?

Formal budget-making and tax-setting powers
· What powers does the legislature have in formulating the national budget and in determining taxes?
· Can the legislature amend the budget? Can it increase or decrease the total amount or adjust specific items?
· Does the legislature have the power to determine its own budget?
· Does the executive have a line-item veto?

Committees
·   Do committees hold public hearings? Are their own deliberations open to the public?
·   Do committees obtain expert input on proposed legislation or on the budget through
·   testimony or reports?
·   Do committee leaders, members, and staff turn over on a yearly basis, or do they stay on long enough to become more expert in their areas of responsibility?
·   Do committees keep adequate records?

Access to information
·   Does the nation have a system of consolidated laws?
·   Does the legislature have adequate information upon which to base policy decisions (through in-house or external research capabilities)?
·   Is there a legislative library, and does it respond adequately to legislators' requests for information?
·   Are computer systems adequate for conducting legislative research?

Professional staff
·   Is there a corps of permanent legislative staff to assist members in their policy and budget-making roles? Is it adequately trained? Are they legislative or executive employees?
·   Do legislators have their own research staff (partisan, non-partisan, inside or outside the legislature)?
·   Does the legislature have a legislative intern program?
·   Are bill drafting services available? By whom?

Budget-making and taxation activities
·   Do legislators understand and participate in the budget-making and tax-setting process?
·   Is the budget structured in such a way as to allow the budget to be analyzed in a timely fashion?
·   Are budget hearings held? Is there any other public input into the process?
·   Does the legislature employ professional staff to analyze the executive budget?

OVERSIGHT: AUTHORITY AND PERFORMANCE

Formal oversight powers
·   What specific constitutional powers does the legislature have to oversee executive spending and policy implementation?
·   Can the legislature compel the government to provide information? What specific powers does it have?
·   Is there a public accounts committee?
·   Is there a question period or hearings requiring executive ministers' attendance?
·   Can the legislature investigate program activities of ministers and ministry officials?
·   Does the legislature have the authority to appoint or confirm cabinet members?
·   Does the legislature have the authority to dismiss or censure cabinet members?
·   Can the legislature remove the chief executive? Under what conditions?
·   Can the chief executive dissolve the legislature? Under what conditions?

Oversight technical capabilities and performance
·   Does the legislature have adequate procedural and staff resources to carry out its oversight responsibilities effectively?
·   Does the legislature have on-line access to government spending information?
·   Does the legislature utilize the services of a government investigation unit (such as the GAO)?

- If it exists, is the public accounts committee used effectively?
- Does the legislature have adequate enforcement tools if the executive withholds information or nullifies legislative intent?
- Does the legislature make use of public hearings and the media to apply pressure on the executive?

MANAGEMENT AND INFRASTRUCTURE

Management
- Do plenary sessions and committees function in an open and orderly manner? Are the rules clear?
- Do legislative rules permit the adequate airing of views? Do they allow for timely conduct of business?
- Are accurate records of legislative activities kept, and are they available to legislators, the public, and the media?
- Does the legislature have in place regular policies regarding legislative staff pay, hiring, promotion and firing, procurement and its other regular administrative matters?
- Do procedure manuals describe these practices? Are they used? Do they need to be updated?
- Are there codes of ethics defining acceptable behavior for legislators?

Infrastructure
- Are the physical facilities adequate to allow the legislature to conduct its business (e.g., public access meeting rooms, member and party offices, heating, air-conditioning, etc.)?
- Does the legislature have appropriate equipment (e.g., furniture, telephones, copy machines, computers, sound systems, etc.)?
- Is staff adequate (both in number and quality) to handle the administrative needs of the institution?
- Are there training programs for administrative staff?

APPENDIX B:
Presidential and Parliamentary Legislatures Compared

The following chart summarizes the institutional effects on the legislature caused by regime structure.

PARLIAMENTARY REGIMES	PRESIDENTIAL REGIMES
Greater incentive for party discipline	Less incentive for party discipline
Greater concentration of power in hands of party leaders	Power may be concentrated in hands of party leaders, but individual legislators tend to have greater influence
Less of a need for committee structure	Incentives exist for a strong committee system
Less of a need for rank-and-file legislators to develop policy expertise	Individual legislators have some incentive to develop policy expertise
Policymaking functions tend to be concentrated in parties or ministerial bureaucracy	Policymaking functions tend to be concentrated in the legislature (specifically within the committee system)
Lobbying (by individuals or groups) tends to focus on party leaders in government, the party organization, and/or bureaucracy	Greater amount of lobbying directed toward individual members of the legislature, including members of minority parties
Little influence over policy by lower-than-cabinet-level legislators, even for those who belong to the party or coalition of parties in government	Individual legislators can influence policy, even when not a member of a larger party or the party controlling the executive
Coalitions for passing legislation set at beginning of legislative term	Coalitions for passing legislation tend to be ad hoc and temporary
Bargaining over legislation occurs between parties that form the government	Bargaining over legislation occurs among parties in the legislature and between the legislature and the president
Opposition parties are excluded from policymaking role; their role is one of oversight.	Minority parties are not necessarily excluded from a policymaking role
Government and legislation tends to be more *responsible* than *responsive*[11]	Government and legislation tends to be *less responsible*; they may be *more responsive*

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[11] *Responsible* government or legislation occurs when policies are efficiently and coherently turned into laws without extraneous costs due to riders and amendments. *Responsive* government or legislation occurs when policies and laws reflect the parochial interests and needs of voters.

APPENDIX C: Useful Publications

USAID Related Resources

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Miko, Francis. 1995. *The Congressional Frost Task Force Program to Assist the Parliaments of Central and Eastern Europe.* Paper presented at the APPAM Conference, November 3, 1995, Washington, D.C.

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National Democratic Institute for International Affairs. 1996. *Committees in Legislatures, A Division of Labor*. Legislative Research Series Paper #2.

National Democratic Institute for International Affairs. 1998. *One Chamber or Two? Deciding Between a Unicameral and Bicameral Legislature*. Legislative Research Series Paper #3.

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OTHER TECHNICAL PUBLICATIONS FROM
THE OFFICE OF DEMOCRACY AND GOVERNANCE

PN-ACB-895
Alternative Dispute Resolution Practitioners Guide

PN-ACM-001
Case Tracking and Management Guide

PN-ACC-887
Civil-military Relations: USAID's Role

PN-ACH-305
Conducting a DG Assessment: A Framework for Strategy Development

PN-ACH-300
Decentralization and Democratic Local Governance Programming Handbook

PN-ACD-395
Democracy and Governance: A Conceptual Framework

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Bureau for Global Programs, Field Support, and Research
U.S. Agency for International Development
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