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AFRICAN PARLIAMENTS

Systems of Evidence in Practice

2

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SUN PRESS

African Parliaments: Systems of Evidence in Practice

Published by African Sun Media from Stellenbosch under the SUN PReSS imprint

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First edition 2022

ISBN 978-1-991201-52-2
ISBN 978-1-991201-53-9 (e-book)
https://doi.org/10.52779/9781991201539

Set in Avenir Light 10/15
Cover design, typesetting and production by African Sun Media

SUN PReSS is an imprint of African Sun Media. Scholarly, professional and reference works are published under this imprint in print and electronic formats.

This publication can be ordered from:
orders@africansunmedia.co.za
Takealot: bit.ly/2monsfl
Google Books: bit.ly/2k1Uilm
africansunmedia.store.it.si (e-books)
Amazon Kindle: amzn.to/2ktL.pkL
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The editors would like to thank CLEAR-AA for their support in compiling this volume. We appreciate the efforts of all contributing authors, as well as the partners that CLEAR-AA has worked with in its programme on strengthening evidence use in parliaments.

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LIST OF ACRONYMS

AAAS	The American Association for the Advancement of Science
AAPR	Africa Association of Parliamentary Researchers
ACEP	African Centre for Energy Policy
ACEPA	African Centre for Parliamentary Affairs
ACET	African Centre of Economic Transformation
ACFIM	Alliance for Campaign Finance Monitoring
AEN	African Evidence Network
AfCoP	African Community of Practice
AfEA	African Evaluation Association
AFIDEP	Africa Institute for Development Policy
AfrEA	African Evaluation Association
AG	Auditor-General
AGDEN	Africa Gender and Development Evaluators Network
ANC	African National Congress
APNODE	African Parliamentarians' Network on Development Evaluation
APR	Annual Progress Report
ATC	Announcements, Tablings and Committee
ATRs	Action Taken Reports
B-CURE	Building Capacity to Use Research Evidence
CA	Constitutional Assembly
CCEDU	Citizens' Coalition for Electoral Democracy in Uganda
CDD GHANA	Ghana Center of Democratic Development
CGAs	Committee on Government Assurances
CGW	Chief Government Whip
CIMES	County Monitoring and Evaluation System
CoB	Controller of Budget
CODESA	Convention for a Democratic South Africa
COPE	Congress of the People
COSATU	Congress of the South African Trade Unions
CPA	Commonwealth Parliamentary Association
CPST	Centre of Parliamentary Studies and Training
CSIR	Council for Scientific and Industrial Research
CSO	Civil Society Organisation
CSRO	Committee on Standing Rules and Orders
DAP	Data for Accountability Project
DFID	Department for International Development
DGF	Democratic Governance Facility
DIRS	Directorate of Information and Research Services

DLPS	Department of Legislative and Procedural Services
DP	Democratic Party
DRS	Department of Research Services
EA	Executive Authority
EAC	East African Community
EACJ	East African Court of Justice
EALA	East African Legislative Assembly
EAPI	East African Parliamentary Institute
EC	Electoral Commission
EFF	Economic Freedom Fighters
ESK	Evaluation Society of Kenya
FDC	Forum for Democratic Change
FES	Friedrich Ebert Foundation
FMPPLA	Financial Management of Parliament and Provincial Legislatures Act
FPTP	First-Past-the-Post
GII	Ghana Integrity Initiative
GIJ	Ghana Institute of Journalism
GINKS	Ghana Information Network for Knowledge Sharing
G-IPEN	Ghana Network of Independent Professional Evaluators
GMEF	Ghana Monitoring and Evaluation Forum
GSS	Ghana Statistical Service
HIPC	Heavily Indebted Poor Countries
HoDs	Heads of Departments
HRAC	Human Rights Advocacy Council
HSRC	Human Sciences Research Council
ICC	International Criminal Court
ICED	International Centre for Evaluation and Development
ICT	Information and Communication Technologies
IDRIG	Inter-Departmental Research and Information Group
IFLA	International Federation of Library Associations
IFP	Inkatha Freedom Party
INASP	International Network for the Advancement of Science to Policy
INESOR	Institute of Economic and Social Research
INGSA	International Network for Government Science Advice
IPAC	Inter-Party Advisory Committee
IPS	Institute of Parliamentary Studies
IPU	Inter-Parliamentary Union
ISSER	Institute for Statistical, Social and Economic Research

JEEMA	Justice Forum
KEMRI	Kenya Medical Research Institute
KEWOPA	Kenya Women Parliamentarians Association
KEWOSA	Kenya Women Senators Association
KIPPRA	Kenya Institute for Public Policy Research and Analysis
KLISC	Kenya Library and Information Consortium
KSG	Kenya School of Government
LEGCO	Legislative Council
LGB	Leader of Government Business
LoP	Leader of Opposition
M&E	Monitoring and Evaluation
MDAs	Ministries, Departments and Agencies
MDC	Movement for Democratic Change
MDGs	Millenium Development Goals
MED	Monitoring and Evaluation Department
MMD	Movement for Multiparty Democracy
MMS	Management Monitoring System
MNDP	Ministry of National Development Planning
MoGCSP	Ministry of Gender, Children and Social Protection
MoU	Memorandum of Understanding
MPEP	Malawi Parliament Enhancement Project
MPs	Members of Parliament
MPS	Ministerial Policy Statements
MPSI	Malawi Parliamentary Support Initiative
MPWC	Multi-Party Women's Caucus
MTBPS	Medium-Term Budget Policy Statement
NA	National Assembly
NACOSTI	National Commission for Science and Technology Innovation
NAMs	National Assembly Members
NBFP	National Budget Framework Papers
NCOP	National Council of Provinces
NDC	New Democratic Congress
NDPC	National Development Planning Commission
NEAPACOH	Network of African Parliamentary Committees on Health
NIMES	National Monitoring and Evaluation System
NPP	New Patriotic Party
NRMO	National Resistance Movement Organisation
NSFAS	National Student Financial Aid Scheme

NSS	National Service Scheme
OECD	Organisation for Economic Co-operation and Development
OGP	Open Government Partnership
PAC	Public Accounts Committee
PBO	Parliamentary Budget Office
PC-EIDM	Parliamentary Caucus on Evidence Informed Oversight and Decision-Making
PEA	Political Economy Analysis
PIC	Public Investigation Committee
PUIC	Parliamentary Union of Islamic Countries
PMG	Parliamentary Monitoring Group
PMU	Policy Management Unity
PoG	Parliament of Ghana
PoZ	Parliament of Zambia
PP	Public Protector
PPM	Public Participation Model
PRS	Parliamentary Research Services
PSC	Parliament Service Commission
PWD	Person with Disability
RPLP	Regional Peer Learning Programme
SACP	South African Communist Party
SALGA	South African Local Government Association
SAPST	Southern African Parliamentary Support Trust
SCoPA	Standing Committee on Public Accounts
SDGs	Sustainable Development Goals
SIU	Special Investigating Unit
SO	Standing Orders
SOSC	Standing Orders Select Committee
Stats SA	Statistics South Africa
TMT	Top Management Team
TORs	Terms of References
TPTTP	Taking Parliament to the People
TWGs	Technical Working Groups
UDM	United Democratic Movement
UHC	Universal Health Coverage
UK-POST	United Kingdom Parliamentary Office on Science and Technology
UNASA	Uganda National Academy of Sciences
UN-DESA	United Nations Department of Economic and Social Affairs

UNDP	United Nations Development Program
UPC	Uganda People's Congress
UPDF	Uganda People's Defence Force
UWOPA	Uganda Women Parliamentary Association
VOPES	Voluntary Organisations of Professional Evaluators
WFD	Westminister Foundation for Democracy
ZaMEA	Zambia Monitoring and Evaluation Association
ZANU-PF	Zimbabwe African National Union-Patriotic Front
ZEC	Zimbabwe Electoral Commission
ZeipNET	Zimbabwe Evidence Informed Policy Network
ZEPARU	Zimbabwe Economic Policy and Analysis Research Unit
ZIPAR	Zambia Institute for Policy Analysis and Research
ZPC	Zimbabwe Power Company
ZSA	Zambia Statistics Agency

The work of the Centre for Learning on Evaluation and Results (CLEAR-AA) on strengthening evidence use in parliaments has involved extensive collaboration between various partners across the African continent resulting in rich insights into the critical role of parliaments in EIPM. It has been observed that parliaments are often closed institutions which, while very important to understanding democratic governance, can be very difficult to access and understand. We are very grateful for the rewarding relationships we have established since the programme's inception in 2015 and for the receptiveness to our work which has enabled us to gain access to a number of African parliaments with the African Parliamentarians' Network on Development Evaluation (APNODE) being a primary partner.

We are immensely grateful for the parliamentary collaborative peer-learning programme which took place in 2018 and for the resulting experiences and shared learning that prompted the need to document our experiences on evidence use in parliaments. This collaborative initiative included partners from across the continent who have been involved in capacity strengthening towards evidence-informed policymaking in Africa. We extend our gratitude to Twende Mbele, the African Parliamentary Network on Development Evaluation (APNODE), the African Institute for Development Policy (AFIDEP), the African Centre for Parliamentary Affairs (ACEPA), the Centre for Parliamentary Studies and Training (CPST), UN Women, International Network for the Advancement of Science to Policy (INASP) and CLEAR-GIMPA for the insights gained throughout the regional peer-learning programme. This book on systems of evidence use in African parliaments would certainly not have been possible without the committed group of MPs, parliamentary researchers, content advisors, M&E officers and other parliamentary staff who champion evidence use in African parliaments. We extend our grateful thanks to our partner organisations for the valuable relationships we have built with national and regional parliaments across the continent. We are deeply indebted to parliamentary representatives from Kenya, Rwanda, Uganda, Tanzania, South Africa, Zambia, Ghana, Malawi, the East African Legislative Assembly (EALA) and ECOWAS.

This book would, of course, not have been possible without the dedicated team of authors who have been committed to seeing the book come to fruition. Thank you to the parliamentary researchers, practitioners

ACKNOWLEDGEMENTS

and CLEAR-AA staff who took time out of their busy schedules to contribute their rich insights to this initiative. Thank you for your patience and for working tirelessly with the editorial team to refine your chapters.

We are also very grateful to the MPs and practitioners who shared their contributions on the importance of evidence use in parliaments and the value of having a knowledge product such as this to informing ongoing learning on evidence use in parliaments. Thanks to Dr Rose Oronje, Dr Rasheed Draman, Hon. Makali Mulu, Hon. Evelyn Naome Mpagi Kaabule, Pernelle Smits, Caspar Merkle, Hon. Jeremie Adamohou, Hon. Kabir Hashim, Prof. Nyokabi Kamau and the Commonwealth Parliamentary Association (CPA) team for your valuable reflections.

We would like to especially acknowledge our incredible team of reviewers who took the time to provide detailed feedback to help shape the direction of the chapters and the flow of the book as a whole. Thank you Mine Pabari, Matodzi Amisi, Carspar Merkle, Cara Waller and Kobena Hanson. Our gratitude is also extended to the CLEAR-AA research team led by Steven Masvaure, who worked tirelessly to assist the editorial team with the preparation and formatting of the manuscript. Thank you, Tefo Mosienyane and Boikanyo Moloto for the support provided.

We extend our special thanks to the Swedish International Development Cooperation Agency (Sida) for their support for the collaborative peer-learning initiative in parliaments. Without this support, these two volumes would not have been possible. Furthermore, this work would also not have been possible without the financial support of The Ministry of Foreign Affairs of the Netherlands under the CLEAR-AA Accelerated Regionalisation (Acer) Project.

To everyone else who believed in the vision of this book and supported us to make it a success, Asante Sana! We have no doubt that the findings shared will nurture ongoing discussion and further collaborative approaches in strengthening evidence use in parliaments.

Linda Khumalo on behalf of the editorial team

During the event at which the idea for this book was conceived, no one could have foreseen that the book would be launched during a period of unprecedented global turmoil as a result of the Covid-19 pandemic. The event was a parliamentary peer-learning event held in Cape Town in 2018 and decisions made during this event were subsequently supported by key partners in Nairobi in 2019. Never before has there been a more urgent demand for rapid, robust systems of evidence to steer global and national policy and intervention, and never before has there been so much at stake. Moreover, the pandemic itself, and the multiplier effect of the socio-economic crises arising as aftershocks of the outbreak, presented states with a litmus test of their ability to make decisions and take evidence-based action to protect their citizens. The pandemic proved to be a pivotal event which revealed both the weaknesses and strengths of evidence and decision-making systems on a global scale. It also highlighted the persistence of the structural problems of inequality that heightened the negative impact of the pandemic and its effects on developing nations.

It is in this context that parliaments, as key institutions of contemporary democratic states, face the enormous task of executing their law-making, oversight and representation mandates to ensure the protection and survival of citizens. It scaled up the magnitude of their remit as they navigated their duties in efforts to overcome immediate crises, whilst simultaneously having to re-imagine their global and national development agendas in the pandemic's aftermath. The timing of the finalisation and release of a book of this nature is therefore ideal, as it provides comprehensive insights into how parliaments can use this moment as an inflection point for strengthening the effectiveness of their mandates towards optimal development impact.

This book is the second of two volumes, the first of which focused on the theoretical and contextual framing of the role of parliaments in the evidence ecosystem. This volume provides a series of case studies on how various parliamentary institutions including Ghana, Kenya, Uganda, Zimbabwe and South Africa have designed and implemented systems of evidence production and use in order to strengthen their oversight, law-making and representation roles. With its focus on evidence-informed decision-making, it amplifies the importance of ensuring that systems

of governance and decision-making are capacitated and enabled to provide the guidance and leadership at a time where the prevailing situations cannot be regarded as 'business as usual'. The case studies reveal the important observation that the complexity of the problem requires a multifaceted, multi-pronged approach that involves the collaborative action of all stakeholders. There is simply no one-size-fits-all solution that provides the proverbial 'magic bullet' for present-day development crises. Addressing the current crisis (and the undeniable reality of the intersections of the Covid-19 pandemic with the multiple crises of the Anthropocene) will require hope, perseverance and partnership.

We are therefore proud to present this book, which, as Semela-Serote writes in the book introduction, "shines a light on the evolving practices within parliaments, as they grapple with building and strengthening systems of evidence use that will enable better decision-making and an overall improvement in the execution of their mandate."

The book provides thoughtful insights into the structures, systems, influences, context and processes of decision-making in parliaments across six countries and one regional parliament in Africa from the lens of evidence production and use towards the execution of their mandate (and ultimately development impact). We hope that it will provide insights into some of the more (and less) effective strategies employed by parliaments in strengthening evidence-informed decision-making within the broader evaluation ecosystem.

This generation has never faced a greater need for the direction, leadership and active decision-making necessary to help guide and steer the world out of the current crises facing humanity and its very survival. This is a key moment in history when parliaments, particularly those in Africa and other developing nations, should conscientiously harness their mandates of lawmaking, oversight and representation to the maximum for the benefit of society. We hope that this book will guide parliaments towards the point of 'coming into their own' in terms of their ability to strengthen national evaluation ecosystems, promote evidence-informed decision-making and development impact and thereby emerge as agents of change and beacons of hope for citizens.

Candice Morkel, PhD
Director, CLEAR-AA

Parliaments are a political arena and hence exploring issues such as the politics of evidence use, the boundaries between politics and evidence use, and also the boundaries between various types of evidence becomes a necessary endeavor. Such an exploration illustrates the complexities of the work of parliaments when it comes to evidence use. It can assist in uncovering the ways in which the 'offer side' of evidence use, that of capacity-building, and the 'demand side' for evidence use, with the structures and advocacy activities that are deployed for institutionalised and system-wide thinking on evidence use in parliaments can be enhanced. As representatives of their constituents, Parliamentarians are compelled to push for honest, localised evidence of population needs and evidence of the efficacy of those policies designed to address social and development issues.

In their exercise of oversight of the administrative branch, parliamentarians are expected to consider evidence ranging from administrative data, evaluation reports and statistics and anecdotal stories from citizens and media. At the same time, the realities within which parliamentarians operate also means that they may not be natural lovers of evidence. For them, 'evidence' may become a synonym for 'threat': what if a constituent realises that actions are not taken, results are not attained? But evidence may also be used to their personal advantage: here is a way to prove that I am working for my constituents. In either case, a parliamentarian might not stay neutral and reflect upon the way to best use the evidence in the decision-making process of his or her legislative functions. Reflecting on how to best to systematically feed evidence into parliaments which as spaces of political contestation, is a necessary and essential part of ensuring a healthy democracy and good governance.

Dr Pernelle Smits – Associate Professor of Evaluation, Université Laval, Canada, trainer for IPDEPTH-FR and Canadian Evaluation Society Essential Skills for Evaluators

As the primary safe guarders of democracy, parliaments have a central role to play in countries' development efforts. Their primary functions of law-making, budgeting and oversight, and representation are critical in ensuring good governance, accountability and transparency. For parliaments to perform these functions, they require quality evidence, which includes routine administrative information, budget expenditure

reports, monitoring and evaluation reports, citizen reports, research publications, among others. The primary evidence systems and structures in parliaments include parliamentary budget offices, research departments, committee sections, legal offices/counsels, library and information resources, and IT support. While these structures are existing in parliaments in the region, they are often inadequately staffed and equipped and therefore unable to support sustained use of evidence in parliamentary debate and decision-making. These realities mean that parliaments in the region need to make deliberate efforts to sustain investments in strengthening their institutional evidence systems and structures. Since some parliaments have made more progress than others, it is important for parliaments to learn from each other and draw from existing resources and tools in other countries and at regional levels.

It is also well known that in most parliamentary contexts, evidence has to compete with other factors that shape and inform parliamentary debate and decisions. A critical factor that evidence has to compete with in parliament is politics, often manifesting in the form of party and political interests. In sub-Saharan African countries, for instance, many parliaments must also contend with weak institutional systems, structures and capacities – factors that also hinder the sustained use of evidence in parliamentary debate and decision-making. Developing regional resources for parliaments in the region, to learn from other parliaments in their efforts to strengthen their evidence systems for better and quality debate and decision-making, must therefore remain a priority for both scholars and practitioners.

Dr Rose Oronje – Governance and Public Policy Expert; Director – Public Policy and Communications at African Institute for Development Policy (AFIDEP)

The Sustainable Development Goals 5 'Gender Equality' and 10 'Reduced Inequalities' are universally recognised not only as stand-alone sustainable development goals but also as precondition for sustainable development. Yet across most of the spheres, from health to the economy, from political to social protection, women in most African countries remain excluded from access to basic resources, essential services and decision-making. If we are to address the root causes of inequity, discrimination and unfair power relations, our nation national development efforts must be underpinned by the core principles of the 2030 Agenda, i.e. human rights, gender equality and a commitment to 'Leave no one behind'. Policymakers and parliaments need equity-focused,

gender-responsive (evaluative) evidence to facilitate the transformative change envisaged. There are many mechanisms and variables that contribute to the exclusion of women (and men) to access to public resources, labour markets, and effective participation in decision-making. They often go back to a combination of factors in the legal, institutional, economic, political, social and psychological domains. Gender-responsive and equity-focused evidence requires a better understanding of the structural causes leading to inequalities through a careful analysis of power relationships, social norms and cultural beliefs.

Key questions in the parliamentary context include the following: a) What type of evidence do parliaments demand? a) Who supplies evidence to parliaments? and c) What is the quality of evidence used in parliaments, and to what extent does it look at gender and equity issues? At the same time collecting data and evidence on gender and equity does not come without challenges. These include political challenges, methodological challenges and the attitudes of research professionals towards applying data collection and analysis that is gender responsive. These issues demand a continued building of insights into the role of evidence within Parliaments as they legislate, represent constituents, and hold the executive to account. They are key in ensuring that national policies and legislation are responsive to concerns of gender equality and contribute to make a positive difference in the country, that public funds and resources reach the most vulnerable groups, and that national development efforts leave no one behind.

Caspar Merkle – Regional Evaluation Specialist, UN Women Regional Office for Eastern and Southern Africa

The importance of the use of evidence in parliaments is well established for three reasons; the assembly votes the laws, controls government action and makes the representation. In order to pass certain laws, we need to analyze its relevance and impact. For the control of government action, convincing evidence is required. Lastly, in terms of representation, we have the obligation to be accountable to our constituents and the broader citizenry.

In the parliament of Benin, we are far from achieving these objectives despite the efforts that have been made by APNODE Benin since 2018. Our efforts to institutionalise the use of evaluations in the constitution did not bear fruit with the constitutional revision of 2019. Moreover, our efforts to introduce a technical committee responsible for the evaluation of public policies in the

rules of procedure of the National Assembly, accepted in committee under the seventh legislature (but not scheduled to be voted in plenary at the time) was rejected in plenary during the vote of the rereading of the rules of procedure two weeks ago by the government because it would involve added costs.

This means that there is still work to be done at the level of the National Assembly, particularly within the realm of institutional aspect, capacity building and the support needed from specialists in the field and finally, the difficulty of gathering data related to research and curating it to be user-friendly for policy decision-making processes.

The Beninese parliament is ready to not only benefit from the learning and sharing through exchanging experiences with other countries' parliament on how they have built their systems of evidence use, especially in the African parliaments.

Hon. Jeremie Adamohou – Parliament of Benin and Chairperson of Benin APNODE National Chapter

Parliament is a cornerstone of democracy, good governance, accountability, and resource constraints. It is part of evaluation's wider role to promote these values and support transparency. These are prerequisites for all people to realise optimal living standards within their existing practice. It is widely acknowledged amongst the evaluation community (and amongst a growing number of governments worldwide) that greater use of evaluation evidence within national decision-making processes is a key step to accelerating development and to ensuring that it is both equitable and inclusive; in fact, the assumption underpins much of the discussion and evaluation debate across the globe. Parliaments with their workforce of democratically elected representatives of citizenry, represent one of the central pillars of democratic process and are rightfully identified as playing a crucial role in driving and sustaining equitable development within the state. The support of growing demand for and use of evaluation evidence within Parliamentary oversight systems, is therefore an intervention that has the potential to benefit both poor and previously disadvantaged groups through strengthening political representation and building government's accountability to citizens.

Over the last several years, there has been a rapid growth in interest amongst parliamentarians across the globe in the use of evaluation evidence for oversight. Parliamentarians who step up to the challenge and make use of robust

evidence for decision-making not only benefit through being seen to perform well in the eyes of constituents, but also stand to deliver on their constitutional responsibilities as elected representatives. In a worldwide context of on-going consolidation of democratic process evaluation specifically provides those who are governing with an opportunity to demonstrate performance while for those in opposition, it provides a robust means to hold government to account on their developmental promises to citizens.

As the global family of nations move into the next era of global development driven by a vision of ending poverty, protecting the planet, and ensuring prosperity for all we need stronger monitoring and evaluation frameworks that inform learning, decision-making and accountability. Parliamentarians with their unique role in overseeing the work of governments have an opportunity to drive the demand for evidence that informs that decision-making around the SDGs and ensures that progress overall means progress for all - ensuring that no one is left behind.

Hon. Kabir Hashim, GPFE Chairperson

The work of parliamentarians, as set out in the Constitution, involves the key roles of oversight, legislation, representation, and budget making. Upon experience, one realises the significance of being well informed through evidence to be an effective member of parliament in fulfilling these roles. One needs to understand the issues and the context effectively, in order to exercise oversight over government programmes, to legislate for posterity and to represent people's interests well.

The Kenyan parliament is made up of an array of different individuals from varying educational backgrounds. Therefore, there is an obvious need for capacity building. At times one is technically inept or not familiar with the technical terminologies, so it is equally important to build the capacity of Members of Parliament and inked to this, present information in a way that it easily understandable and user-friendly. This is where institutions like our research department, research institutions and other departments become very important. These research entities play an important role in providing disaggregated and user-friendly data.

Recognising the importance of being well informed and using research information effectively, propelled some of us to establish the Evidence Informed Oversight and Decision-Making Parliamentary Caucus, to champion the use of evidence through our roles as parliamentarians. As a parliament, we

are doing our best to make sure that we make use of evidence from different sources including evidence from monitoring and evaluation reports from different departments which generate a lot of data. We recognise that we must mainstream the use of evidence in our day-to-day work, so that we improve our performance as parliamentarians and also, strengthen our abilities in policy formulation in relation to economic growth and sustainable development. Mainstreaming evidence use is therefore quite critical and as such, the Caucus has developed a strategic plan that has three key strategic objectives: to create awareness among the Members of Parliament, to extend our networks so that we do not work in isolation, and thirdly to disseminate the lessons from our work.

The Caucus is not officially funded by parliament and often has to rely on the goodwill of our networks. At times it becomes very difficult to initiate activities relating to the caucus, and therefore we have agreed that we will recruit evidence-use champions in all 19 departmental committees in the Kenyan Parliament. These individuals are expected to mindfully interrogate perspectives and conditions related to the contexts of their respective committees. Through their work, we as parliamentarians, will strengthen our analysis in parliamentary debates, so that are our decisions are well informed, particularly in terms of issues such as gender, equity, social location etc.

Hon. Dr Makali Mulu – Parliament of Kenya: Chairperson of Evidence Informed Oversight and Decision-Making Parliamentary Caucus

As in other parts of the world, African Parliamentarians recognise the important role they must play in development efforts. Given the vital role and responsibility parliamentarians carry to attain sustainable development, their ability to make informed decisions based on consulting reliable evidence has gained priority. Without a doubt, evidence use in parliaments enhances the role of parliamentarians to effectively fulfill their oversight, appropriation (budgeting), legislative and representative functions and more broadly to contribute to good governance. However, many MPs do not have the requisite capacities and know-how to effectively demand and utilise evidence in their work. As a result, parliamentarians' decision-making process is negatively affected, as it does not encompass all the required elements for sound judgment the decisions taken.

For the MPs who do acknowledge the use of evidence in their daily work, there is often an absence of institutional structures that accompany and support them in the use of evidence in debate and decision-making. These institutional

structures include, but are not limited to, inadequate parliamentary staffing needs (i.e., committee clerks, researchers, IT support, library personnel and reporters), lack of funds, as well as supportive infrastructure. For these reasons, there must be continued knowledge building and generation on the practical ways in which parliaments can continue to strengthen their evidence systems. Also, many African parliaments continue to suffer a limitation in the knowledge, comprehension and management of evidence- use structures and systems. Sharing experiences through the generation of knowledge products and the facilitation of systematic peer-learning processes will undoubtedly awaken positive conversations and therein, create more awareness among parliamentarians and key individuals who work daily for the systematic use of evidence on the African continent.

Hon. Evelyn Naome Mpagi-Kaabule – African Parliamentarians Network on Development Evaluation (APNODE) Chairperson

In many jurisdictions, the role of Parliaments in promoting use of evidence has historically been subsumed into the government-wide monitoring and evaluation (M&E) system. This is also the case in the context of Kenya. In the Kenyan Parliament, importance attached to research and evidence use was clearly stated by the Akiwumi Tribunal's report of 2009 which directed the Kenya's Parliamentary Service Commission to 'recruit and train enough qualified research assistants to assist Members of Parliament in research and other related activities' to enhance quality of debates in Parliament and contributions at the constituency level.'

The CPST was established to act as one-stop resource Centre for the training and capacity development of Kenyan Members and staff of Parliament, County Assemblies, and other Legislatures across the continent. The Center has been a valuable partner in championing evidence use in decision-making, through providing directly and in some instances collaborating with other institutions of higher learning, facilities and resources for parliamentary research, studies, and training. The CPST is among the founder members of the Kenya Think Tanks Forum, whose objective has been to streamline the use of evidence use in policy and legislation. As the Parliamentary Center for Training and Research, we recognises the importance of evidence use in guiding capacity building activities. For this reason, we have been collaborating with the Centre for Learning on Evaluation and Results – Anglophone Africa (CLEAR-AA) through

its Strengthening Legislatures programme in promoting and documenting evidence use in Parliaments.

African leaders must make sound decisions backed by evidence. This will greatly assist them, as they steer the continent towards the realisation of AU Agenda 2063. The focus on "Systems of evidence use in African parliaments" will, through knowledge products and scholarship that informs policy, support efforts to streamline and strengthen the use of evidence in Parliamentary work. This focus also assists at the national, regional, and continental level in two other respects; first, in providing guidance on capacity development priorities, such as Parliamentary training; and secondly, in accentuating the benefits of using evidence in policymaking and legislation. Building knowledge on 'systems of evidence use' is particularly opportune in this moment, as the world grapples with the effects of the Covid-19 pandemic. While the pandemic has completely changed life as we knew it, we also have new opportunities for data and evidence that will inform new norms and ways of living and working.

Prof. Nyokabi Kamau – Executive Director, Centre For Parliamentary Studies and Training (CPST), Parliament of Kenya

Every decision that a Parliament makes affects the life of a country's citizens, often for generations. A wrong law will negatively affect segments of a country's population for years on end, until that law is reviewed or in some rare instances, repealed. As a result, the work of every Parliament must be of interest to every citizen and most importantly, must always be based on evidence. Information and evidence are fundamental to the execution of a parliament's three core functions of representation, scrutiny and oversight. Without a range of different sources and types of timely and accurate evidence, parliaments cannot meaningfully hold the Executive to account nor represent the citizenry.

With or without evidence, Parliaments shape policies, make laws and annually pass budget estimates into law. The world is better off if the laws Parliaments pass, the budgets they approve into law and all the policies that they help shape are guided and informed by evidence. This is where the usefulness and relevance of this book cannot be over-emphasised. It is an effort that will shape the workings of Parliaments around world for generations to come.

Dr Rasheed Draman – Executive Director, African Centre for Parliamentary Affairs (ACEPA) Accra, GHANA

INTRODUCTION TO THE VOLUME

This volume complements Volume 1 – *African parliaments: Evidence systems for governance and development.* It focuses on the evolving practices within parliaments as they grapple with building and strengthening systems of evidence use that will enable better decision-making and result in an overall improvement in the execution of their mandates. The chapters of Volume 1 are framed on the theoretical dimensions that have influenced parliaments' evolving dispositions and approaches towards evidence-informed policymaking considerations. Using a systems approach, Volume 1 examined the implications of macro level contextual socio-political factors and contestations and how these shape parliaments' institutional architectures and dynamics. By using a systems approach, it brought to the fore the multitude of macro and micro elements that have produced the diverse approaches, processes and capabilities that currently characterise African parliaments and their relationships with evidence-informed policymaking. Ultimately, Volume 1 accomplished two important tasks. First, it contributed to building a deeper theoretical understanding of the critical role parliaments must play in strengthening democratic governance by reinforcing evidence use systems in policymaking while dispensing their mandate. Second, it catalysed and enriched theoretical discourses in the policymaking and democratic and public sector governance terrains, especially for those concerned with bolstering parliaments' capabilities and building evidence use cultures that contribute to better development outcomes.

Building on the information provided in Volume 1, this volume – *African parliaments: Systems of evidence in practice* – serves to complement the theoretical discourse and focuses on the practical experiences, lessons and insights emerging from the interplay between evidence use and parliamentary contexts. Volume 2 employs a case study approach with in-depth investigations of parliamentary institutional arrangements and their implications for evidence use. The case studies included in this volume are the East African Legislative Assembly (EALA) and the national parliaments of Ghana, Kenya, South Africa, Uganda, Zambia and Zimbabwe. Another category of case studies comprises more concise, issue specific case studies and 'practice notes.' The various cases outline the experiences of a range of parliaments, each of which has its own context-specific socio-political, historical and political governance systems and institutional evolution. Included in this category are case studies on capacity-

building initiatives in parliaments and the interaction between parliament and the national statistics system in Ghana. Further, practice notes illustrating parliamentary coordination with VOPEs, citizen engagement practice through the parliamentary week in Uganda, representation systems in Ghana and the effects of electoral cycles in Ghana as well as the role of parliamentary budget offices in budget oversight are presented.

The authorship of these case studies and practice notes presented also typifies the different voices and positions from which actors interact with parliaments. The range of actors from across the evidence-use and policymaking ecosystem include authors from the following categories: research practitioners from within parliaments; senior and executive managers responsible for parliamentary directorates; external practitioners from voluntary organisations who are shaping or driving supportive interventions with parliamentary institutions and are concerned with strengthening evaluative cultures in parliaments and finally and scholars from academia. Desktop reviews were also employed in presenting the structure, processes and systems of evidence in parliaments. The section below outlines the structure of the volume and the sequence of the cases presented.

Some of the key questions that the case studies in this volume investigate are:

- What is the role of parliaments nationally and regionally as informed by constitutional mandates?
    - What political economic and other contextual factors affect parliaments' performance in different country and regional contexts?
- What is the current institutional architecture of African parliaments (for example, portfolio committees) and what are the implications for evidence and democracy?
- What are the links between the institutional arrangements and the governance context?
- What are the implications of institutional arrangements in parliaments on institutionalising evidence use?
- What lessons can be drawn from various parliamentary capacity-building efforts and what are the implications on future capacity-strengthening initiatives seeking to contribute to systematising evidence use in parliaments?
- What are the political party dynamics, temporality, and incentives for evidence use in parliaments?
- How do countries' electoral systems influence institutionalising evidence use in African parliaments?

- What is the technical capacity and practice of the parliamentary support function?
  - What are the key bottlenecks in technical and logistical capacity for evidence systems?
- What networks, innovations and good evidence-use practices exist in different parliaments?

Structure of the volume

In Chapter 1, Blaser Mapitsa, Engel, Ramasobana and Mosienyane present a critical analysis of capacity-strengthening initiatives in parliaments. During four brief case studies of capacity-building initiatives, the authors draw on information obtained from practitioners with parliamentary experience in order to seek insights into 'what works and why', in efforts aimed at strengthening the capacities of parliaments. The experiences shared through these different institutional experiences illustrate the variety of approaches in intervention and institutional arrangements that may hinder or enable parliamentary capacity-strengthening initiatives. Ranging from instances of regional and multi-country approaches where parliamentarians from different countries jointly engage in capacity-strengthening actions, to instances of subject- and institution-specific interventions where individuals' skills and competencies are built, the various case studies provide a descriptive picture of emerging issues that influence and inform capacity-enhancement efforts. These factors include how power and ownership of capacity-strengthening initiatives influence the form of the interventions applied; the critical role of contextual factors that can either enable or hinder the success of interventions; the value of partnerships in parliamentary strengthening efforts; and, finally, the interconnected nature of parliaments as institutions functioning in government as a whole. A holistic approach to capacity building requires an appreciation of the political nature of parliaments and linked to this is the importance of political strategies and the delicate balance involved in undertaking interventions.

In Chapter 2, Nahayo and Mathuki present the experiences of the EALA. The authors expand on the resulting implications of evidence use in circumstances where multiple parliamentary institutions have formally acceded to a set of normative governance instruments and are actively using their collective commitment to strengthen regional governance. The case provides unique insights both on opportunities that are being harnessed in African regional contexts and also on the challenges being encountered from an evidence

use perspective. Nahayo and Mathuki further explore the EALA institutional structure and provide a comprehensive outline of the normative and legislative frameworks which inform how this regional body discharges its oversight, legislative and representative functions. The chapter highlights the importance of evidence use enablers such as embedding the demand for evidence through established legal frameworks that govern the functions of the regional body and by encouraging personal responsibility amongst parliamentarians for the use of evidence. In addition, the chapter also explores the gaps within the EALA which contribute to the constraints it experiences, within the institution and externally, in its efforts to sustain an evidence use culture.

In the third and fourth case studies, the authors share experiences from the parliament of Ghana from two different perspectives. In Chapter 3, Atengble examines the institutional arrangements that facilitate or hinder evidence use in the Parliament of Ghana. He discusses how Ghana's overall political governance architecture has shaped the Ghanaian parliament's use of evidence. Atengble charts the institutional evolution of the parliament and explains how this has directed the political economy of the country's legislative function, specifically in terms of the subordinate position in which Ghana's legislative function has been placed in relation to the executive. The author argues that this positionality has compromised the use of evidence, as parliamentarians have limited opportunity to critique or demand accountability from the executive. In addition to discussing the components of the Ghana governance architecture (the electoral system, political party structures and dynamics), the author provides insight into the institutional organisation, functions and composition within the Ghana parliament. These descriptions provide an overview of the consequent internal and external issues that characterise the country's evidence ecosystem.

In Chapter 4, Lampo and Hayter expand on the relationship between the Ghana Parliament and the national statistics system in the country. Attention is given to the critical role played by the three-way intersection between parliament, the national Sustainable Development Goals' (SDGs) structure, and the Ghana Statistical Service (GSS) in strengthening evidence use in national evaluation systems. Using a systems thinking approach and the national imperative to see progress against Ghana's commitment to the SDGs, the case study explores the importance of formal and informal relationships across the evidence system and, more importantly, the opportunity created by the imperative to monitor

performance against the SDGs to strengthen the interface between parliament and the national statistics system. In addition to discussing the key issues within the national SDG response that may offer entry points to strengthening the parliament-statistics interface, the case study also explores the reform initiatives embarked upon within the Ghana evidence ecosystem and the opportunities they offer to strengthen parliament's use of evidence across all three dimensions of its normative functions.

Chapter 5 and the accompanying practice note in 5.1, share perspectives gleaned from the Kenya parliamentary experience. Sande, Ringera and Warira provide an overview of the Kenya political governance architecture and its parliamentary institutional form, and thereafter explain how changes within these dimensions have generated important reforms and practices in relation to evidence use. The constitutional order established in the 2010 Constitution was critical, not only in terms of critical political governance reforms but also with in relation to creating an environment for transformative action that improved the parliament's evidence ecosystem. Two key reforms that are highlighted are the prescriptions for budget processes that enhanced transparency (and catalysed demand for evidence) and the stronger separation of powers between the parliament and the executive. The authors also provide information on the key directives issued and non-partisan structures established by parliamentarians that resulted in positive shifts in legislative processes and internal operations. Finally, attention is given to the practices of researchers and the innovations they have applied to streamline and establish systematic ways to manage the internal evidence system.

This is followed by Mutua's contribution in the form of practice note demonstrating the important role of Voluntary Organisations of Professional Evaluators (VOPES) in strengthening parliamentary systems of evidence use. By elaborating on the collaborative approach by the Kenyan Parliament's Parliamentary Caucus on Evidence-Informed Oversight and Decision-Making (PC-EIDM) and the contribution of the local evaluation society to strengthen evidence use in Kenya, the practice note highlights several issues. First, how the alliance built between the collaborating parties can enhance the practical ways that VOPEs contribute to building a culture of evidence use in parliaments. Second, the many valuable opportunities that exist for voluntary practitioner organisations such as, in this case, the Evaluation Society of Kenya (ESK), to work with parliaments to ensure that evaluation plays a transformative role in helping countries reach

their development objectives. Finally, information is provided on the effects of systemic interactions between various partners, at both national and regional levels, and how this can contribute towards institutionalising the use of evidence in parliaments.

In Chapter 6, Janse Van Rensburg, Modiba, Mphunga and Zantsi examine the implications of parliamentary institutions on evidence use through the experience of the Parliament of South Africa. Based on the information obtained during the case study, the key features that comprise the internal organisational structure of the parliament are explained. The authors then discuss how evidence use is approached within these internal organisational structures. For instance, information is provided on how attitudes to evidence and its use at committee levels are influenced by institutional governance mechanisms, political party dynamics, and the political culture within the parliament. In addition, the authors explore the efficacy of institutionalised evidence generation mechanisms and some of the supportive measures that have been taken to strengthen and cultivate a culture of evidence use. Finally, the authors highlight the important value of evidence networks within the national evaluation ecosystem. The chapter concludes by re-emphasising the central role that national political governance architecture plays in shaping a parliament's posture toward evidence use.

In Chapter 7, Acuch and Mugabi focus their discussion on two aspects of the implications of evidence use for the Parliament of Uganda. First, they consider the political dimensions inherent in the deployment of parliamentarians to committee structures and, linked to this, the challenges which emerge as a result of knowledge gaps and factors such as fragmented evidence management processes. The authors highlight key institutional components necessary for the production of evidence within parliament. and the strategies employed, particularly by parliamentary officials, to produce the significant increase in the visibility and use of evidence in parliamentary committees. For instance, collaboration with established evaluation networks is cited as a key contributor to strengthening evidence use and generation within the parliament. While the case study highlights important achievements in building an evidence use culture within the parliament, it also points to persisting constraints such as weak inter-departmental linkages and the absence of formal collaborative working arrangements between directorates.

Chapter 7 is followed by two concise practice notes on the lessons learned from the Parliament of Uganda's annual parliament week and Parliamentary Budget Offices (PBOs) as critical institutions facilitating budget oversight. In practice note 7.1, Watera examines the Parliament of Uganda's parliamentary week which aims to strengthen citizen engagement and contribute to the country's commitment to bridging the gap between parliament and the public. The case study explores some of the achievements, challenges and lessons learnt during this week-long annual event usually held in January. While the note highlights the value of this practical effort to strengthen citizens' understanding of parliament and how they can enhance their interactions with parliamentarians, it reveals a lack of evaluation to date. The practice note emphasises the potential value of such a measure as it could serve to provide a comprehensive assessment of the intervention and possible future improvements to its delivery.

The role of PBOs on parliamentary budget office oversight is explored in the subsequent practice note 7.2. Drawing on the experience from South Africa and Uganda, Ajam illustrates the significance of PBOs as independent fiscal institutions. PBOs are increasingly being established by parliaments to critically assess and provide evidence on fiscal policy and performance. The author highlights some of the contextual political issues that undermine the use of research and other forms of evidence, particularly in relation to budget approval processes and outcomes. The case study also sheds light on the political and institutional parameters within which PBOs exercise their function and concludes with an overview of the crucial role that established links with external fiscal institutions and evidence brokers could play to strengthen the effectiveness of PBOs.

In Chapter 8, Banda, Chanda and Kanyamuna present experiences from the perspectives of the Parliament of Zambia. The Zambian case study highlights the centrality of the electoral system and how it shapes parliamentary composition and influences levels of representation of women in parliament. The effect of the country's political system (a mixed electoral system) and the component constitutional measures designed to ensure the inclusion of interests that fared poorly in previous electoral contests are cited as some of the political factors that shape the use of evidence. The authors reflect on the impact of political party dynamics and their role in shaping the appetites, incentives and willingness of political representatives to rely on evidence. Having provided broad descriptive elements that characterise the political

elements that shape the Zambian National Assembly, authors Banda, Chanda and Kanyamuna expand on current institutional architecture and inter-organisational arrangements. More specifically, the systems of evidence and the work processes and practices of key parliamentary officers in these systems are explored. The Zambian case study experience accentuates the importance of organisational leadership within the institution of parliament towards the goal of enhancing the supply of and demand for the use of evidence.

Chapter 9 presents the final case study of this volume and authors Ndongwe and Munatsi reflect on the experience of the Parliament of Zimbabwe. The authors contend that existing gaps in institutional parliamentary arrangements and governance have constrained the power of the Zimbabwean parliament to effectively perform its oversight and law-making function. They draw attention to limitations in Zimbabwe's political governance architecture which have had direct impacts on the extent of the scrutiny and accountability parliamentarians have over the executive. As in other contexts, the use of evidence amongst the 19 committees within the Zimbabwean parliament is inconsistent. A dominant trend noted was that the demand for and use of evidence occurs predominantly in sectors or issues regarded as having low political volatility. Interestingly, the authors also reflect on the limited scope for evidence generation and use through direct citizen engagement given that such forums tend to be polarised along political lines. Finally, the authors share their experiences on the approaches employed in parliament's organisational structure to provide effective research support to parliamentarians. For instance, the authors explain that despite its limited capacity, the research department responds to the evidence needs of parliamentarians by conducting both primary and secondary research. The authors lament the quality and turnaround time for research conducted, a consequence of the low research staff to MP ratio within the parliament.

In Chapter 10 which is the final chapter of this volume, Blaser Mapitsa and Mosienyane conclude with a synthesis of the key themes and lessons from the case studies presented. Amongst the key emergent themes are: balancing the political-administrative interface; temporality of parliamentarians and their interaction with evidence system; the generation, brokering and use of evidence; and the role of individual and institutional incentives around evidence. Through this thematic reflection, the chapter underscores the diversity of African countries' political contexts and the concomitant and varied

responses of parliaments to their specific national governance contexts. Linked to this are the innovative approaches parliaments have adopted to strengthen evidence use to navigate their specific national governance terrains. The synthesis concludes with two compelling arguments. First, that institutions of parliaments simultaneously shape and respond to their national governance contexts; and secondly, that … "the strength of evidence use in parliaments is not usually a function of one specific institutional feature, but constitutes a range of characteristics interacting with the political context..." (Blaser Mapitsa & Mosienyane, in this volume).

Conclusion

The case study experiences shared in this volume underscore several issues that resonate with those that emerged in Volume 1. First, they reinforce the continued importance of cultivating multi-stakeholder and collaborative efforts that support the work of parliament. Second, they point to the central role played by evidence champions in parliaments amongst MPs and within the administration and leadership of the institution. Cultivating and supporting champions and demonstrating the value-add of interventions in the day-to-day realities of decision makers and practitioners must remain central considerations in sustaining energies for building evidence practices. Finally, the experiences shared and lessons learnt in this volume indicate the continued need to balance the support provided to parliamentary stakeholders – parliamentarians on the one hand and those within the administration who are expected to support the efforts of these parliamentarians on the other. Reflection on the experiences of internal and external actors engaged with parliaments within the evidence ecosystem also prompts further questions and the answers could benefit practitioners and scholars alike. For instance, what are the implications of systematising evidence use in parliaments and of developing holistic parliamentary capacity-building initiatives? Also, how can we gain a better understanding of MP's individual incentives to use evidence at various stages in the parliamentary cycle and how can we explore the complexities and political contestations in which MPs operate? These are just some of the many issues that emerge in the two volumes and whose exploration could add value to the discourse and the practice of strengthening governance through evidence-informed policymaking, specifically from a parliamentary point of view.

1

STRENGTHENING PARLIAMENTARY CAPACITY: WHAT WORKS AND WHY?



Caitlin Blaser Mapitsa, Hermine Engel, Mokgophana Ramasobana and Tefo Mosienyane

Introduction

In acknowledgement of the central role that parliaments play in strengthening governance in Africa, significant investments have been made in the region by governments, citizens, bilateral donors, and members of the global community to strengthen the capabilities of parliaments to realise their mandates of oversight, legislation and representation.[1] While parliaments are instrumental cogs in the national governance infrastructure, their capacities are undermined by resourcing and skills challenges, largely related to structural constraints on their effectiveness. This chapter speaks to the lessons learnt from capacity-strengthening initiatives implemented by the collaborating organisations aimed at strengthening evidence use for improved governance by African parliaments. While the collaborating organisations[2] have seen several notable successes in strengthening parliaments' contributions to good governance at a national level, there are several structural challenges that hold parliaments back and technical interventions alone cannot effectively respond to these challenges. These structural elements include the ways in which the development industry often enables the capture of power by the elite, expectations of patronage from the electorate of their representatives, punitive systems of electoral financing, and distributions of power across political parties in a way that discourages oversight. In many instances, capacity-strengthening initiatives – including technical assistance – cannot ameliorate entrenched structural barriers and dynamics that reinforce the very conditions that allow the capacity challenges to persist. However, there are many committed people working across parliaments who are aware of the inherent potential of parliaments to build more effective systems of governance and support for these individuals and groups can facilitate change.

Emerging from a history of one-party politics, most African regimes have viewed parliament as rubber-stamp institutions that passed policies that favoured the elite few and, in doing so, often entrenched inequality. As multiparty democracies arose, governance reforms called into question whether parliaments had the

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1 Lia Nijzink, Shaheen Mozaffar & Elisabete Azevedo. (2006) Parliaments and the enhancement of democracy on the African continent: An analysis of institutional capacity and public perceptions. *The Journal of Legislative Studies*, 12(3-4):311-335. https://doi.org/10.1080/13572330600875563

2 The collaborating organisations who contributed insights to this chapter specifically include CLEAR-AA, Twende Mbele, the International Network for the Advancement of Science to Policy (INASP), the African Institute for Development Policy (AFIDEP), the African Centre for Parliamentary Affairs (ACEPA)and the two internal parliamentary training institutes – Kenya's Centre for Parliamentary Studies and Training (CPST) and Uganda's Institute for Parliamentary Studies (IPS).

requisite capacity, incentives and resources to carry out their functions, most notably in the oversight of the executive. While analysis of parliaments in the region often focuses on issues of individual capacity, closer scrutiny also reveals varying incentives to fulfil the roles of oversight and representation effectively.

Most initiatives for parliamentary capacity building are structured around variations of a theory of change, which states that if an enabling environment is created and adequate skills and resources are provided, parliaments will be able to exercise their duties effectively resulting in a government that is inclusive, transparent and accountable to its citizens and which, ultimately, will lead to better national development outcomes.[3] This narrative also acknowledges that as an institution parliament does not operate in isolation but is interconnected to the whole government framework, and thus points to the political nature of the parliament as one which is webbed with sectional interests from the various stakeholders therefore requiring a delicate balance in the interventions undertaken.

We have found that capacity-strengthening initiatives that are well designed and implemented can make critical contributions to improving governance at the national (or regional) level. However, even if these initiatives are themselves successful, a strong parliament is only one role player in national governance and cannot itself overturn deeply entrenched power dynamics. Fundamental issues on the structure of political party power, electoral financing, voting systems, patronage, and inequality must be addressed in tandem for legislatures to be able to legislate, represent and scrutinise effectively.

Drawing on the research, experience and insights from the collaborating organisations involved in various capacity-strengthening initiatives to strengthen African parliaments, this chapter discusses three main themes: 1) the challenges of capacity strengthening being located within the development industry in relation to power and ownership dynamics, 2) the importance of contextual relevance of capacity-strengthening work, and 3) the value of partnerships in strengthening capacity in African parliamentary contexts. The issues raised in relation to these themes are based on desktop research including relevant scholarly research and organisational reports, as well as direct input from representatives from the collaborating organisations based on experiences they shared through interviews and written submissions. The key capacity-

[3] OECD. (2012). *Principles for parliamentary assistance*. p. 112. https://bit.ly/2XS7Xzm

strengthening initiatives by the collaborating organisations informing the discussion in this chapter include: the regional peer-learning programme led by CLEAR-AA and Twende Mbele, the Vaka Yiko programme led by INASP and ACEPA, the Malawi Parliament Enhancement Programme (MPEP) led by AFIDEP, and internal parliamentary training institutions including Kenya's Centre for Parliamentary Studies and Training (CPST) and Uganda's Institute of Parliamentary Studies (IPS). Each initiative is briefly described in boxed text in this chapter, and several case studies with more detailed descriptions and analysis of these initiatives are provided after the chapter.

Power and ownership: Capacity strengthening as part of the development industry

The Regional Peer Learning Programme led by CLEAR-AA and Twende Mbele

Demonstrating the value of a collaborative peer-learning approach, CLEAR-AA in collaboration with Twende Mbele conceptualised and coordinated the Regional Peer Learning Programme (RPLP) aimed at strengthening evidence use for legislative oversight. The programme was jointly implemented with the African Parliamentarians' Network on Development Evaluation (APNODE), CLEAR-AA at GIMPA (the Ghana Institute for Management and Public Administration), the African Centre for Parliamentary Affairs (ACEPA), the African Institute for Development Policy (AFIDEP), UNWomen, Kenya's Centre for Parliamentary Studies and Training (CPST) and Uganda's Institute for Parliamentary Studies (IPS). The programme included a series of capacity-strengthening activities during 2018 and 2019, bringing together nominated representatives from ten parliaments and various capacity-strengthening organisations. The parliamentary representatives included Members of Parliament (MPs), as well as parliamentary staff nominated by their parliaments (or parliamentary networks/caucuses). The capacity-strengthening approach employed can best be described as facilitated peer learning, which provides a platform for sharing of approaches, experiences and lessons learnt by participants from the various parliaments supported by input and facilitation support from partner organisations. The programme was implemented in three broad phases including a diagnostic and development phase, an implementation phase of shared learning (on research and evidence use and on M&E frameworks), and a reflection and consolidation phase. At the conclusion of the programme a tracer study was

run which covered training with a wide range of MPs and parliamentary staff. The various partners brought expertise ranging from broader parliamentary mandates (ACEPA, CPST, IPS), the politics of evidence use (ACEPA, CLEAR-AA), evidence synthesis (AFIDEP), gender and equity mainstreaming (UNWomen), M&E practice and systems (CLEAR-AA, Twende Mbele, APNODE and GIMPA) – all contributing expertise on different elements of the 'evidence chain' in parliaments.

Historically, capacity-strengthening initiatives by development partners have been donor-led, lacked local ownership by parliaments, were inflexible in their approach, and were not guided by the needs of the specific parliaments. As a result, the approaches utilised resulted in no noticeable or sustainable change to parliamentary oversight systems. This strategy has been changing, as can be seen in the capacity-building framework by the United Nations Development Programme (UNDP) that identified the need to tackle capacity strengthening at the levels of the individual, the organisation and the broader environment.[4] However, there are limits to the extent to which parliamentary interventions can shift fundamental dynamics of power, inequality, patronage, and other threats to governance that can be part of the fundamental nature of the shape of the state in the region.

Much of the work that takes place in Africa's parliamentary sector, and in fact in the region's public sector as a whole, is financed by bilateral and multilateral donors. Parliaments in particular have long been underfunded by both their own governments and international donors, creating a vicious cycle of weak legislative capabilities.[5] While the challenges faced by the development industry are well studied (Menocal & O'Neil, 2012) and many steps, such as the Paris Declaration, have been taken to address them, much work remains to be done to ensure that donor-funded work responds to real national priorities (Dzimbiri, 2008). At the same time, governance-focused development initiatives, particularly in the legislative sphere, are often specifically aimed at transforming the very power dynamics that hinder progressive governance reforms, and this can complicate buy-in and support from the ruling government elite.

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4 European Parliamentary Research Service. (2013). *Understanding capacity-building/ capacity development: A core concept of development policy.* p. 2. https://bit.ly/3BiTQkm

5 Rotberg, R.I. & Salahub, J.E. (2013). *African legislative effectiveness.* Ottawa: North-South Institute Research Report. Available from www.nsi-ins.ca.

Aside from the financial commitments, some of which were specifically mandated to invest in parliaments, the international development community developed a parliament-oriented capacity initiatives strategy. This strategy was underpinned by five pillars. First, it was recommended that capacity-strengthening initiatives in parliament should appreciate that parliament operates within the context of the political economy in which it is located and therefore should be understood within the broader political system. Second, these interventions should be tailored to address the contextual needs of each parliament. Third, capacity-strengthening initiatives in the region should promote South to South collaboration. Fourth, it was proposed that multi-year rather than short-term and piecemeal approaches be used. Lastly, the need to improve programme coordination, design and M&E was identified and this included enhancing staff skills and availing incentives (Menocal & O'Neil, 2012).[6]

Different actors and stakeholders then went further to operationalise this strategy. As a result, six different capacity strengthening interventions were conceptualised:

1. Tailored capacity-strengthening programmes – short-term, ad hoc activities to develop the capacity of parliament, MPs and parliamentary staff in generic parliamentary functions, procedure and duties;
2. Direct funding for parliamentary organisations – core funding or grants to support parliamentary associations, political foundations, or groups operating within parliaments (e.g. multiparty caucuses and committees);
3. Longer-term programmes – multi-year programmes of linked activities to develop the capacity of parliament to perform its core functions, often focused on institutional and organisational reform;
4. Issue-based programmes and projects – long- or short-term interventions that work with or through parliaments and parliamentarians to achieve other, more targeted, policy objectives, either as a discrete project or as part of a broader sectoral programme;
5. Integrated democracy programmes single donor or basket-funded multi-year programmes integrating activities targeting different elements of democratic governance simultaneously; and
6. Advocacy – less a modality than a cross-cutting approach that seeks to understand and influence the informal politics, rules and relationships, based on political economy analysis, local buy-in and an adaptable programme (Menocal & O'Neil, 2011).

[6] Menocal, A.R. & O'Neil, T. (2012). *Mind the gap: Lessons learnt and remaining challenges in parliamentary development assistance – A Sida pre-study*. UTV Working Paper.

Several cross-cutting challenges were experienced in the development and application of capacity-strengthening initiatives especially in their application in developing countries. Power (2015), for example, identified two main challenges – firstly arguing that most of these interventions are predominantly supply-driven (and more so from the Global North) rather than demand-led by the parliaments. This raises concerns on their contextual fit in terms of being able to address the fundamental challenges such as the organisational culture and the political economy as underlying factors affecting the functionality of different African parliaments. Various scholars have argued that capacity-strengthening interventions implemented in Africa should be more responsive to the local political conditions and be driven by local experts based in the countries in which they are being implemented (Hlubi & Schmidt, 2007; Hudson & Wren, 2007; Rugumamu, 2011; Power, 2015). In a recent interview, AFIDEP representative, Rose Oronje, also emphasised the importance of "responding to demand rather than suggesting the areas where they can help. The key is to be in agreement that the gap exists in the first place and that an intervention is necessary" (Interview with Rose Oronje, April 2020).

In the past few years, there has also been a growing recognition that capacity strengthening in parliaments should be less about enhancing the skills and knowledge sets of MPs and their support staff and more about institutional reforms, particularly in complex political settings. Capacity development in Africa should therefore simultaneously address individuals' knowledge and skills; the requisite institutional reforms in terms of structure, process and organisational culture; as well as the political economy in which capacity-strengthening initiatives are being implemented (Rugumamu, 2011). INASP's holistic approach to capacity strengthening in parliaments as employed through its leadership of the VakaYiko programme with the parliaments of Ghana, Uganda and Zimbabwe,[7] ensures that each level is taken into account and addressed appropriately. For example, at the individual level, the programme trained parliamentary staff on the gathering and synthesising of evidence for decision-making. At the organisational level, the focus was on adapting processes and procedures affecting evidence production and use. At the network level the programme supported relationship building between legislatures and the national research sector.

[7] The VakaYiko programme formed part of the Building Capacity to Use Research Evidence (B-CURE) programme implemented between 2013 and 2017. For more information see the INASP Blog (undated) "Strengthening the use of evidence in three African parliaments". https://bit.ly/3vMIL9U

The VakaYiko programme led by INASP including a peer-learning exchange initiative led by ACEPA

As part of the Building Capacity to Use Research Evidence Programme (B-CURE), the International Network for the Advancement of Science to Policy (INASP) led the VakaYiko project which included a strand focusing on strengthening capacity for evidence use in parliaments of Ghana, Uganda and Zimbabwe. VakaYiko was a three-year project that ran between 2013 and 2017 and was implemented through a consortium of partners including the Zimbabwe Evidence Informed Policy Network (ZeipNET), the Uganda National Academy of Sciences (UNAS), the Ghana Information Network for Knowledge Sharing (GINKS), and the African Centre for Parliamentary Affairs (ACEPA). VakaYiko built parliamentary capacity at the individual, organisational and network levels in each country through parliament-specific programmes, as well as peer-learning exchanges. A key aspect of the VakaYiko programme was that it worked through the parliaments' existing training/capacity building units, where those existed as in Uganda – working in collaboration with the representatives of the IPS. The support included training parliamentary staff involved in gathering and synthesising evidence for decision-making; reviewing processes and procedures affecting production and use of evidence; and relationship building between parliaments and the national research sector. INASP's approach pays special attention to the organisational culture, incentives and aspects that inform behaviour and decision-making. As part of the Vaka Yiko programme, ACEPA facilitated a peer-learning network between the parliaments involved and the aim was "to strengthen the role of parliamentary information support units in evidence uptake by providing a space for peer exchange and support, enabling individuals who are driving change within parliaments to collaborate and support each other." Based on the priority areas identified by staff from each parliament, they engaged in sharing their experience through a series of face-to-face and online learning sessions. The issues addressed included "strengthening mechanisms to enable citizen evidence to contribute to parliamentary discussions, to constituency profiling, different models for Parliamentary Budget Offices, and strategies to communicate evidence to MPs".

AFIDEP takes a slightly different but also holistic approach, as was demonstrated in its support to the Parliament of Malawi through its in-depth institutional-wide political and operational reform focus with the programme objective aptly described as "[seeking] to inspire supportive political behaviour and reforms and strengthen capacity that enables performance improvement and effective delivery of parliamentary functions".[8] At political reform level, the programme seeks to achieve increased autonomy of parliament; facilitates engagements between the parliamentary leadership and the executive; and also engages the leadership of political parties around the parliament's autonomy reforms. For example, at operational level it has supported reviews of parliament's strategic plan, provided training and mentorship to strengthen the technical capacities of staff (e.g. legislative research), and has supported committees to perform their oversight function more effectively by developing annual work plans and committee level M&E frameworks.[9]

The project has stimulated ownership and leadership of the Malawi parliament in driving the political and legislative reforms necessary to improve its performance. This was demonstrated by the parliament's adoption of a report in December 2018 that proposed wide-ranging reforms to give it the financial, administrative and legislative autonomy needed for the parliament to more effectively deliver its mandates of oversight, budget allocation and tracking, lawmaking, and representation. It has also been demonstrated by the new parliament's (following May 2019 elections) leadership (Parliamentary Service Commission) taking on the leadership of steering the proposed reform Bills through the parliament's Legal Affairs Committee (AFIDEP, n.d.).[10]

In addition, various capacity-strengthening organisations have focused specifically on improving institutional procedures to strengthen evidence use and the overall governance role of parliaments. For example, working to strengthen the legislative role of local government councils in Uganda, the Institute for Parliamentary Studies (IPS) engaged in an extensive needs analysis and capacity-strengthening process of the local councils which led to harmonisation and

8 Through a partnership with the Parliament of Malawi, AFIDEP provides technical assistance to implement The Malawi Parliament Enhancement Project (MPEP). For more information see: https://bit.ly/3vOALFq

9 INASP Blog. (undated). Strengthening the use of evidence in three African parliaments. https://bit.ly/3vMIL9U

10 More information on the Malawi Parliament Enhancement Project available online at: https://bit.ly/3vOALFq

standardisation of the Rules of Procedure for Local Government Councils 2019.[11] At a broader level, the the Commonwealth Parliamentary Association (CPA)'s support to the National Assembly of the Gambia focused on reviewing its Standing Orders to improve oversight and scrutiny of the work of the executive and undertook the initiatives described below.

CPA UK deployed two clerks from the Northern Ireland Assembly to Banjul in August 2018 to assist a working group of National Assembly Members (NAMs) and clerks in their review of the Standing Orders. Their report and recommendations launched an extensive consultation process with the Standing Orders Select Committee (SOSC) and other NAMs. The National Assembly reached a major milestone when it adopted the redrafted Standing Orders in September 2019. For the first time the Standing Orders afforded NAMs the space and time required for effective scrutiny of government.[12]

The importance of a political strategy for capacity-strengthening approaches in parliaments has also been highlighted. Various scholars such as Power (2015) and Rugumamu (2011) both note that while many programmes have focused on technical support such as skills, infrastructure and procedure improvement, few have engaged with the deeper underlying political factors, related power dynamics, internal institutional politics and incentive structures that influence behaviour and, ultimately, decision-making in parliaments. As Rugumamu (2011, p. 113) emphasises, "capacity development is essentially about politics, economics and power, institutions and incentives, habits and attitudes – factors that are only partly susceptible to technical fixes and quantitative specifications. These structural factors have to be negotiated carefully and tactfully." A political strategy is therefore necessary to ensure that capacity-strengthening programmes are built around how political change happens in particular contexts. Such an approach should ideally start with a political analysis of the broader political context and the prevailing institutional politics, followed by a continuous political awareness and engagement included in the approach. CLEAR-AA and Twende Mbele have used the Six-Sphere Framework (Crawley, 2017) (introduced in Chapter 1 of Volume 1: Analytical Frameworks) to guide discussions with parliament representatives by ensuring a more careful focus on the deeper contextual, political and ideological factors in relation to the peripheral logistical and technical factors by exploring ways to better navigate and influence the politics of evidence use. As described above, AFIDEP's aim

[11] Based on written submission by IPS representative, Rachel Emaasit (1 May 2020).
[12] Extract from written submission by CPA representative, Felicity Hermann (16 June 2020).

and approach with the Parliament of Malawi is to address political reform in order to enhance the autonomy of the parliament by "[combining] interventions that engage and shape the power relations, incentives, and influences within and outside parliament" (AFIDEP, undated)).

As demonstrated through AFIDEP's work with the Parliament of Malawi, political analysis and engagement should be supported by institutional ownership, ongoing reflection, flexibility in approach, and should be supportive rather than prescriptive or paternalistic. Power aptly describes such an approach as follows: "parliamentary support work should be seen less as a process of implementation, and more akin to a consultancy – helping the parliament to define both the problems and their own solutions" (Power, 2015, p. 41).

Development partners have raised concerns around supply-led approaches with no meaningful participation and even less ownership by those who are meant to benefit from the programmes. For example, drawing on the insights gained through ACEPA's longstanding work with parliaments across the continent, Lampo (2020) notes that, "foisting training programmes designed by outsiders on target beneficiaries … attendees of these training workshops just pass through the motions." To redress this situation, Lampo further emphasises the importance of the involvement of parliamentary representatives. "It is vitally important to involve target beneficiaries in training programmes from the inception or design stage to make meaningful input that will address their training needs and capacity gaps."[13] This includes agreeing on programme objectives and designing implementation approaches and plans with key representatives of parliaments in a meaningful and participatory manner to ensure that a relevant theory of change and related implementation approach suitable to the needs of the specific parliament(s) is developed.

There is a tendency among development partners to submit proposals and obtain donor funding prior to approaching parliaments themselves, thereby undermining the importance of ensuring parliamentary ownership and buy-in and failing to determine the relevance of the activities through participatory planning approaches. Various development partners such as AFIDEP have made a deliberate decision to collaborate with parliaments at the outset and have noted that projects often take a long time to start due to the bureaucracy involved. But, as AFIDEP representative Rose Oronje states, "it is, however,

[13] Extracts from written submission from ACEPA representative Issifu Lampo (6 April 2020).

worth it in the long-term because of the benefits of ownership, buy-in and participation. Donor agencies need to be attuned to this, and structure their funding and accountability models to incorporate this commitment" (Interview with Rose Oronje, April 2020).[14]

It is also important to be aware of the different incentives which motivate people to participate in capacity-strengthening initiatives. Some development partners have indicated that *per diems* sometimes attract people who are not interested in the content and may not be fully present in the programme. In the partners' reflection workshop of the Regional Peer-Learning Programme (RPLP, December 2018) it was observed that this issue cannot be solved without primarily addressing the developmental challenges facing many countries in the region and the overwhelming pressures faced by elected representatives to provide financial support (and, in some cases, direct basic services) to their electorate, far beyond their representation function.

Contextual relevance and participation

A common challenge that all parliamentary capacity-strengthening initiatives face is that they are (or ideally should be) fundamentally transformative projects of change. The reason that parliamentary capacity in the region is weak is not apolitical, and any attempt to support change must be willing to challenge existing power structures. Just as development initiatives fail if they are not contextually relevant, capacity-strengthening initiatives carry a double burden: they must be relevant to the context of a specific parliament, but they must also be able to shift strategic levers of power that have contributed to limiting the effectiveness of parliaments. These dual demands often pull programmes in opposite directions and managing both can often seem like a zero-sum trade off.

The unique parliamentary context

Capacity-strengthening initiatives should consider how the political context and dynamics affect the relationships between different parliamentary role players and how these impact on decision-making. As emphasised by Hubli (2007, p. 5), "parliaments are political organisations, and the starting point must always be an understanding of the political system in which they operate." Various

[14] Extract from interview conducted with AFIDEP representative Rose Oronje (16 April 2020).

initiatives, such as the RPLP led by CLEAR-AA and Twende Mbele and the Vaka Yiko programme led by INASP and ACEPA, include a specific focus on the macro-level context and the related politics of evidence use and, more importantly, facilitate discussions with parliamentary stakeholders on how to navigate the political context effectively so that evidence can contribute more meaningfully to decision-making in relation to other factors influencing decision-making. A narrow focus on technical knowledge and skills on evidence generation and use will have little impact if the political context is not factored in. As indicated earlier, a number of collaborating organisations consider the political context as a starting point in the development of capacity-strengthening initiatives and also include the 'politics of evidence use' very deliberately as a key discussion point in the agenda of capacity-strengthening initiatives such as the RPLP led by CLEAR-AA and Twende Mbele.

A recent tracer study by CLEAR-AA and Twende Mbele (2020) looking at the effects of their parliamentary capacity-strengthening initiatives indicates that the deeper political and ideological aspects need to be addressed in order for meaningful change to occur. This should then have a bearing on the technical and logistic aspects of the initiative, including the allocation of the necessary financial and human resources and infrastructure. Respondents to the tracer study emphasised that the ability to apply and transfer learning gained from capacity-strengthening initiatives is heavily determined by political will and a conducive organisational culture that recognises and values the importance of strengthening evidence use in parliaments. In essence, if the culture does not exist, a prudent first step would be to lay a foundation that fosters the requisite culture.

As emphasised by an INASP representative, as a site of political debate and contestation, the political dynamic in parliament is fundamentally different to other institutions such as the executive arm of government – "parliaments are such a different type of public institution - different to civil service and ministries and departments because of the unavoidable politicised nature of work there. Parliamentary staff differ to civil service, executive and ministerial staff. Their motivations and approaches are heavily influenced by the political nature of the institution and the imperative of neutrality when their role involves providing evidence to different political actors at the same time" (Hayter, 2020).[15]

[15] Interview conducted with INASP representative, Emily Hayter (24 April 2020).

Reviewing SIDA's support to parliaments, Hubli and Schmidt, M. (2005, p. 5) emphasise that "parliamentary strengthening programmes have often fallen short of their goals because they have not been sufficiently 'politically contextualised,' i.e. not designed and implemented in a manner that recognises the political incentive structures that govern parliamentary behaviour". While many organisations, including CLEAR-AA, Twende Mbele, INASP and AFIDEP, work with both the executive and parliaments, the importance of recognising the inherent differences and adapting approaches to suit the specific context of parliament cannot be underestimated. This is particularly important in terms of respecting and reinforcing the separation of powers in relation to the important oversight role of parliaments. The tendency for development partners to implement country-wide capacity-strengthening approaches often includes liaison with representatives from the executive as the starting point to discuss parliamentary capacity-strengthening programmes. As Hubli (n.d., p. 3) notes,"executives negotiate donor assistance with executive counterparts, which may not have an incentive to prioritise parliamentary development." While there may be value in country-coordinated approaches by development partners, it is important that the different country entities and sectors such as parliament be engaged separately on their own terms to understand their needs from their own various perspectives (of course recognising that there are different internal perspectives within a specific parliament) and not solely from the perspective of the executive. There needs to be a conscious effort to preserve (or increase) the autonomy and independence of parliament. The Malawi Parliamentary Enhancement Programme (MPEP), supported by AFIDEP, is a good example of a programme that has placed "improved autonomy and functionality" of parliament at the centre of its work, as emphasised by the Speaker of the Parliament of Malawi, Hon. Richard Msowoya, at the launch of the MPEP project: "as a Malawian, when I look at how we link up with the executive and the judiciary, I know that there is a lot that needs to be done. We need to tackle the issues that make us uncomfortable. We know that parliament could do a lot if it had legal autonomy, we know that parliament could do a lot if it had budget autonomy, and we also know that parliament could do a lot if it had operational autonomy. This project is an opportunity for us to address these challenges once and for all" (Oronje, 2018).[16]

[16] Blog by Rose Oronje (1 March 2018) "Parliament of Malawi Launches Performance Enhance Project". https://bit.ly/3nECsBQ

Another important contextual consideration is the necessity to fully understand and to have a clear awareness of the internal parliamentary structures and processes. This includes how the different structures operate and work together, with due attention being paid to the election cycle and the broader parliamentary calendar (e.g. when parliament is in session). It is critical to understand the dynamics that underlie and affect parliament's processes (including the election and budget cycles) and this requires approaches that will allow for emerging (or unexpected) developments which may affect the parliamentary cycle. The election and budget cycles, for example, are major drivers triggering a demand for evidence to support campaigns and positions (accompanied by a surge in actual evidence use). This provides an important opportunity to demonstrate the crucial importance of effective evidence use by parliamentarians and the political parties they represent. As an example, the RPLP (led by CLEAR-AA and Twende Mbele) included a specific module on the election, budget and reporting cycles for parliamentary and non-parliamentary representatives to explore and better understand (and promote) the potential for improving evidence use at these and other strategic points in the parliamentary cycle.

Synchronising capacity-strengthening plans with the parliamentary cycle and calendar can make a significant difference to the impact of the initiatives, at both strategic and practical levels. For example, the beginning of the parliamentary term is an important period of induction for new parliamentarians to understand their roles and responsibilities which include (but are not limited to) the effective use of evidence to inform and strengthen the ability to fulfil their mandates. When planning capacity-strengthening programmes/initiatives, it is important to consider the parliamentary calendar and its (often different) impacts on MPs and staff. For example, respondents in the tracer study felt strongly that capacity-strengthening initiatives (including the focus on evidence use) should be included from the start of the new parliamentary term during the induction phase.

This view was expressed by an MP during the tracer study as follows: "because the turnover [in parliament] is normally very heavy, … we always start with close to 80% new people all the time … if we wanted to be smart, we need to have national [capacity strengthening] programmes running from the beginning when members are getting the orientation" (MP, Tracer Study respondent cited in CLEAR-AA, 2020).

The importance of using the orientation period strategically is echoed by partners involved the VakaYiko programme led by INASP – "orientation is an important moment to raise the visibility of information support services, set a positive tone around evidence, and try to attract new 'champions' at the beginning of a new parliament" (INASP, 2017).[17]

While echoing the importance of synchronising capacity-strengthening initiatives with the parliamentary calendar and noting the importance of the orientation period, advice from Uganda's Institute for Parliamentary Studies (IPS) draws attention to the ways in which the complexities of election processes affect alignment with parliamentary calendars – "much as orientation is done at the beginning, many members of parliament do not get into their positions for several months even years because of legal contestation, so you find that the latter groups miss a great portion of the initial orientation and trainings given. So we need to find a way to align with this process" (Emaasit, 2020).[18]

Experiences and related opinions vary on whether MPs and staff should be brought together to participate in capacity-strengthening initiatives on evidence use. On the one hand, the benefit of bringing the different role players together may be that they are better able to understand and address each other's different but integrated challenges in the evidence generation and use process. This can also contribute to an organisational culture of mutual respect, thereby reducing polarisation. On the other hand, some argue that staff and MPs require different capacities (knowledge and skills) and may therefore be better served by separate dedicated initiatives to focus specifically on the needs of these different role players. A potentially useful middle-ground is to have a combination of some joint and some separate initiatives as part of the same capacity-strengthening programme. Many of the collaborating organisations engage in a thorough needs analysis to inform specific needs of the different stakeholders (MPs and staff). For example, CPST, in its work with county assemblies, describes its approach as follows: "CPST began a process of learning needs assessment in 2016 that sought to document the training and capacity profile of Members of the County Assemblies and staff; [and to] establish the training needs of members and staff of County Assemblies at the organisational level … at the occupational level and … at the individual level."[19]

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17 https://bit.ly/3jG7MyW
18 Written submission by Uganda IPS representative, Rachel Emaasit (1 May 2020).
19 Interview with CPST representative, Dr Martin Mbewa (24 April 2020).

Lessons from the RPLP (led by CLEAR-AA and Twende Mbele) indicate the value in bringing together MPs and staff from different parliaments to break down traditional hierarchies between MPs and staff so that they feel more comfortable sharing their concerns and challenges and to exploring solutions collaboratively. In the regional peer-learning scenario, the different role players are generally on a more equal footing in sharing and working through the different (interrelated or interdependent) challenges of evidence generation and use. While this situation is not without tension, a healthy dynamic seems more possible in situations where participants are from different parliaments and are representatives of learning and support rather than participating according to their hierarchical positions (CLEAR-AA, 2020).

The dilemma of buy-in

As parliaments are political institutions, the implementation of programmes is (at best) significantly smoother and (at worst) only possible with the enthusiastic buy-in of parliament's political leadership (e.g. the Speaker). As discussed in Volume 1, Chapter 5, parliamentarians have varied incentives to use evidence and their motivation is based largely on their political party affiliation, the timing of the electoral cycle, their political image, and other concerns. This is a dilemma for capacity-building programme managers as a close affiliation with the political objectives of those in power could advance the programme very efficiently. However, when power changes, the tables could turn (or possibly create new opportunities). Additionally, it could create unintended incentives for participation among parliamentary constituents. Often, these are the very political dynamics that an initiative seeks to transform, making this positioning particularly important.

For a number of reasons it is important that the political and administrative leadership within legislatures understand the value in the capacity-strengthening initiatives. First, buy-in from the leadership often translates into institutional support which strongly influences MPs and staff to appreciate the value of the initiative and, by implication, the importance of effective evidence generation and use. This appreciation may then result in greater interest in and commitment to participation in the initiatives. Likewise, there is a better chance of ensuring that the 'right' participants are selected to participate i.e. those who may be better positioned (in terms of their roles and/or interests)

to serve as champions of evidence use and who can effectively promote, apply and transfer the learning gained within their respective structures and broader institutions.[20]

The Malawi Parliament Enhancement Programme (MPEP) led by AFIDEP

The aim of the MPEP project implemented between 2017 and 2020 was "to inspire supportive political behaviour and reforms and strengthen capacity that enables performance improvement and effective delivery of the Malawi Parliament's functions." The MPEP project "combines interventions that engage and shape the power relations, incentives, and influences within and outside parliament, to enhance Malawi Parliament's performance. The project seeks to inspire supportive political behaviour and reforms and strengthen capacity that enables performance improvement and effective delivery of Parliamentary functions. MPEP is anchored within the Parliamentary Service Commission (PSC) to enable parliament to own, inform and steer its implementation and ensure sustainability of the interventions. The project is addressing both the political and technical bottlenecks that limit the capacity of parliament to effectively fulfil its mandate. The project team, comprising diverse local and international experts in governance and evidence-informed transformational change, works closely with all leaders across the political spectrum to galvanise sustainable action to decisively improve the performance of the parliament."

Furthermore, leadership and broader institutional support often pave the way for participants of capacity-strengthening initiatives to be able to participate without being called away during the sessions or programme. As emphasised in a recent interview with the representatives from AFIDEP who were sharing key lessons from their work: "if the Clerk doesn't see the value in the intervention, then the members of the legislative staff can be called back midway through an extensive training programme" (Interview with Rose Oronje, April 2020). CPST representatives further echoed this point by emphasising that a key recommendation to improve capacity strengthening initiatives is to "work with the Clerk and the official process since this is essential for buy-in" (Mbewa, 2020).[21]

[20] Extracted from project descriptions on AFIDEP's website. https://bit.ly/3vOALFq
[21] Interview with CPST representative, Dr Martin Mbewa (24 April 2020).

The tracer study findings (CLEAR-AA & Twende Mbele, 2020) also indicated that participants are better prepared and therefore more likely to apply and transfer learning gained within their institutions if there is leadership buy-in and institutional support as the interest from colleagues may be greater and the necessary resources more readily available (also noting the converse where this support is absent). A key recommendation from tracer study respondents is that "parliamentary leadership should be better oriented on the importance of strengthening evidence use to ensure buy-in and support for the initiatives and, more importantly, to ensure more meaningful, sustained impact" (CLEAR-AA & Twende Mbele, 2020).

Similarly, experiences in the VakaYiko programme led by INASP highlighted the importance of leadership support in shifting norms – "the Speaker and the Clerk … play an extremely influential role in setting the tone and institutional culture of a parliament. It is important to gain their support for promotional activities around evidence, especially where these may challenge existing organisational norms" (INASP, 2017).[22]

Mutual respect and trust between the key parliament representatives and the development partner(s) plays an important role in securing leadership and institutional buy-in. At the very basic level, the communication and authorisation protocols of the different parliaments need to be observed by the development partners. For example, both political and administrative parliamentary leadership roles, such as those of the Speaker and Clerk, require an awareness of the capacity-strengthening programmes and specific initiatives and why they are necessary, as is emphasised by AFIDEP representative: "the importance of having buy-in from different levels of leadership within parliament includes an awareness of the programmes that are going on and why they are needed" (Interview with Rose Oronje, April 2020).There would be even greater effectiveness if the leadership assumes responsibility for driving these initiatives.

The various development partners spend significant amounts of time sharing information and building relationships with different levels of leadership within the parliaments. This fosters leadership endorsement and enhances credibility for the initiative which, in turn, attracts greater interest. The importance of formalising relationships between development partners and the respective parliaments was noted and recommended by parliamentary representatives

[22] https://bit.ly/3jG7MyW

as a means to ease procedural issues when invitations are received for capacity strengthening initiatives and this was expressed as follows: "so my recommendation would be for CLEAR-AA to formalise the partnership with our parliament. Once that is done, it's to be like part of the institutional requirement for us to do whatever we need to do to move the evidence use agenda. In the absence of that it becomes a by-the-way thing" (CLEAR-AA & Twende Mbele, 2020, p. 35).

It should be noted that the highly bureaucratic nature of parliaments (including the different leadership levels) necessitates that sufficient time is allocated for approval. Therefore, development partners and parliamentary representatives emphasised the importance of advance planning and working through different political and technical champions including key individuals in parliaments and other relevant internal departments such as M&E and research units or parliamentary networks/caucuses such as APNODE and the Kenyan Parliament's Caucus on Evidence-Informed Oversight and Decision-Making (PC-EIDM). Working collaboratively with such champions to promote and drive capacity-strengthening initiatives increases the potential for positively influencing the parliamentary leadership.

The value of specific parliamentary networks and caucuses focusing on evidence use (e.g. APNODE and PC-EIDM) has been demonstrated to be of particular strategic benefit as an entry point into parliaments and, in some cases, serves to influence parliamentary leadership effectively. Champions are also important to ensure that the learning gained from the various initiatives filters through to the broader institution, particularly to the relevant parliamentary structures engaged in evidence generation and use. This is important as it is unlikely that all MPs and staff will be able to participate in capacity-strengthening initiatives and therefore mechanisms for transferring the knowledge gained must be devised and driven by internal champions. Furthermore, champions are already experts in matching the benefits of evidence use to the unique incentives faced by MPs. Respondents to the tracer study conducted by CLEAR-AA and Twende Mbele (2020) indicated that the transfer of learning often occurs in informal ways through the ability of champions to demonstrate the value and importance of evidence use to their colleagues and this was expressed by an MP as follows: "… the kind of argument we raised drew people's mind to the point that this concept [evidence use] is very important. The few of us who attended the training … any time we come in we make [our colleagues] understand and most of us who attended serve on different committees … This is my own way

of transferring the knowledge to colleagues. It is informal and usually after the various sessions I bring some few colleagues around to share with them some of these concepts" (MP, cited in CLEAR-AA & Twende Mbele, 2020).

Internal Parliamentary Training Institutes

The Parliament of Kenya's Centre for Parliamentary Studies and Training (CPST) and the Parliament of Uganda's Institute of Parliamentary Studies are both specifically mandated by their respective parliaments to build the capacity of parliamentarians and support staff in partnership with several organisations. Their experience therefore cuts across a range of content areas requiring attention in the parliamentary context and adds a valuable insider perspective on the capacity needs of parliamentary stakeholders. Uganda's Institute of Parliamentary Studies (IPS) realised early on that MPs need to be able to make use of research and other forms of evidence to have meaningful debate. It has since been reviewing what structures or systems need to be in place to enable ease of practice of EIDM to give advice on the set up of such systems in the Parliament of Uganda. IPS works in partnership with several organisations including INASP, the Natural Resource Governance Facility (NRGI) and the Center for Rapid Evidence Synthesis (ACRES) at Makerere University to offer regular continuing education and professional skilling in evidence-informed policy and decision-making. Kenya's Centre for Parliamentary Studies and Training (CPST) provides a range of capacity-strengthening opportunities to the Parliament of Kenya and to the county assemblies in particular. Its training curriculum covers a broad spectrum of specific skills development on parliamentary operations, roles and responsibilities and ensure that parliamentarians and support staff understand and fulfil their mandates and duties. Both these institutes also contributed to the Regional Peer-Learning Programme (RPLP) led by CLEAR-AA and Twende Mbele.

Partnerships and coordination

All our capacity-strengthening experiences revealed a common need for stronger partnerships in the sector. These partnerships make programmatic work more effective and also create polycentric power, which can address some of the difficulties discussed above regarding complacency with the prevailing power structures of parliament. Additionally, partnerships outside parliament

with civil society organisations, academics, and other role players, can help shift the dynamics of entrenched discussions, and change the way conversations take place.

The initiative that led to this book evolved organically due primarily to the fragmented nature of the parliamentary capacity-building space. We shared collective experiences of many actors simultaneously offering various capacity-strengthening opportunities and all involved had experienced the frustrations of parliaments taking on the onerous job of donor/development partner coordination, as was highlighted by the INASP representative: "[There are] so many different actors at one time trying to build the capacity of parliament. Parliamentary staff are bombarded with offers of training. Some parliaments do not have a donor coordinating function that ensures there isn't duplication or ensures relevance. In other parliaments this function exists but doesn't work very well [due to] lack of trust and incentives that undermine effectiveness. People trained have been to many of the same training by different donors. The sector may have to talk to each other more" (Hayter, 2020).[23]

In many of the capacity-strengthening initiatives, we uncovered issues of duplication, training fatigue, and inefficient time and resource use. This is intricately linked to the structural flaws of the development industry. While it is not a complete solution, taking on some of the responsibility for coordination within programmes in terms of the relevant activities and resourcing is a role that capacity-strengthening initiatives could play. As the INASP representative further notes, "parties interested in improving the work of parliament … should regularly touch base in order to avoid doing the same thing over and over again" (Hayter, 2020). Improved coordination could also ensure that limited resources are aligned and used effectively to harmonise and strengthen the initiatives. The various internal and external role players working in the space of parliament should therefore be purposeful and should factor in the valuable role of coordination in efforts to improve parliament-focused capacity strengthening initiatives.

The partnership development experience during the regional peer-learning programme led by CLEAR-AA and Twende Mbele highlighted that the development of partnerships for collaborative programmes requires a significant investment of time. We need to explore and understand partners'

[23] Interview with INASP representative, Emily Hayter (24 April 2020).

fit for collaboration in terms of their focus, approach, values, interests and expectations. In the case of the Regional Peer-Learning Programme, for example, CLEAR-AA staff spent an initial three-month period researching potential partners during a scoping visit to identify and build relationships with potential partners. Thereafter they developed the relationships further through joint planning and implementation of a series of events over a one-year period. In retrospect, it is clear that we needed more time for initial research and relationship building prior to the joint planning and implementation phase.

A collaborative programme also requires sufficient flexibility to work in different ways with the various partners and to allow for input into the proposed approach and this may lead to changes to the original conceptualisation. Ideally, partners need to invest in joint resource mobilisation strategies that will allow for greater shared responsibility for direction setting, implementation and management, while playing to the different strengths of the partners.

Reflections and lessons

During our collaboration, we found that, fundamentally, parliamentary practice is both shaped by and shapes the national systems of governance. Capacity-strengthening initiatives cannot view parliaments from outside this context and, as a result, initiatives which ignore the surrounding political economy and incentive systems tend to fail. However, when environments are created for open exchange among key parliamentary role players in a way that promotes acknowledgment of the many prevailing difficulties in this environment for all stakeholders, real strategies emerge that may provide important ways of catalysing change and building support for development.

To make inroads into strengthening evidence use in parliaments, an important step is to systematise learning around evidence use. This includes a deliberate effort to incorporate evidence use as an integral part of induction curricula of national parliaments and to include the topic in orientation sessions for all committees and other key organs of parliament. While this does not obviate the need for continuous learning, it ensures that the issue is not addressed in a piecemeal fashion and that there is continuity across changes in staffing, elections, etc. The representative from Uganda's IPS, for example, recommends that, "the subject [evidence use] should be introduced during induction of incoming parliaments and orientation sessions for all committees and other key

parliament organs. Training is not enough; it is beneficial to spice the learning process with other interventions such as exposure to demonstrated success of evidence use."[24]

All capacity-strengthening providers acknowledge that training alone is not enough and that there is often inadequate provision for post-training follow-up, support services, learning exchanges, and other activities that could serve to strengthen capacity more holistically. Particular value was ascribed to peer-learning approaches. Collaborative, regional peer learning should be expanded to improve the support for potential and strategic champions by means of learning from different parliamentary contexts and from different capacity-building organisations.

Effective diagnostics are critical to build appropriate capacity. Often, improved collaboration among internal units within parliament or outreach to academic institutions and knowledge brokers, could prove to be more effective strategies for promoting evidence use than training alone. To sufficiently understand the needs of a parliamentary system of evidence use, it is important to consider individual capacity, and individual and organisational incentives and decision-making processes, coordination and communication, as well as organisational culture and leadership.

Good practices should continue to be shared in a range of formats and platforms to demonstrate the value that systems of evidence can play in politicised contexts. Rather than push parliaments to be the technocratic institutions that they are not, the value of evidence in a political environment should be better demonstrated. Good systems of evidence use can both highlight the success of the ruling party as well as reveal the failures. They can give elected representatives the tools to respond to public criticism as much as they can arm opposition parties with the same evidence. But, mostly, they can significantly enrich the contestation of open and free debate that underpins all governments in the region and, in so doing, support the strong articulation of the most effective and appropriate development pathway for each country.

[24] Written submission by Uganda IPS representative, Rachel Emaasit (1 May 2020).

Conclusion

Capacity strengthening within parliaments has its advantages and its limitations. Parliaments are crucial role-players in national governance, but their capacity is not simply a reflection of internal resourcing and skills. Parliaments also face a range of structural constraints to their effectiveness which capacity-strengthening initiatives cannot directly address but may occasionally be able to influence.

One of the critical reflections from parliamentary capacity builders is that changing the framing of these initiatives may transform them into more strategic interventions. Articulating capacity building as an activity merely to be received can reinforce several negative attributes of the international donor industry, such as poor coordination and lack of ownership, with the consequence that interventions are neither used nor sustainable. Issues such as participation being led by *per diems* rather than by a genuine need to build skills, cannot be blamed solely on individual participants or specific donor practices. It is part of a systemic problem of unrealistic expectations of elected representatives and donor collusion with a development system that is broken – a context in which economic opportunities of a wide range of political stakeholders are limited. Appropriate mechanisms to support adaptive management and continuous learning within parliaments might shift both the debate and the processes through which interventions are implemented.

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1.1

CAPACITY-BUILDING CASE STUDY: REGIONAL PEER LEARNING

Demonstrating the value of a collaborative peer-learning approach, CLEAR-AA, in collaboration with Twende Mbele, conceptualised and coordinated the Regional Peer Learning Programme (RPLP) aimed at strengthening evidence use for legislative oversight. The programme included a series of capacity-strengthening activities over the course of 2018 and 2019, bringing together nominated representatives from ten parliaments, the African Parliamentarians' Network on Development Evaluation (APNODE), and various capacity-strengthening organisations from the east, west and southern African regions. The parliamentary representatives included Members of Parliament (MPs), as well as parliamentary staff (researchers, content advisors, monitoring and evaluation (M&E) officers, and strategic planning officers) nominated by their parliaments (or parliamentary networks/caucuses). The initial idea was that the nominated representatives would participate as a single cohort in all events throughout the programme but this was not always possible due to parliamentary commitments and individual interests in the different focus areas of each of the events.

The capacity-strengthening approach employed can best be described as facilitated peer learning (as opposed to training in the traditional sense) since it relied more heavily on providing a facilitated platform for sharing of approaches, experiences and lessons learnt by participants from the various parliaments supported by input and facilitation from partner organisations. The programme was implemented in three broad phases including a diagnostic and development phase, an implementation phase of shared learning, and a reflection and consolidation phase. The diagnostic phase included a scoping visit to gain a better understanding of the different parliamentary contexts in the region and their particular experiences and needs around evidence use followed by the building of a working relationship with key individuals as current and potential champions in parliaments. In addition, the scoping visit served to identify and build relationships with some of the organisations working to support parliaments in order to facilitate collaboration during the programme and beyond. This was followed by an inception workshop to jointly unpack the factors enhancing and constraining evidence use in the different parliaments. Crawley's Six-Sphere Framework (Crawley, 2017) was used to focus the discussions on technical, logistical, contextual and relational aspects as well as on deeper political and ideological factors.

Based on the issues raised, the partner organisations engaged in a collaborative curriculum development process which informed the implementation of regional peer-learning workshops on research and evidence use in parliaments and on M&E frameworks in parliament. The workshops focused on the conceptual, political and ideological aspects of evidence use, the institutional systems and incentives, and the technical elements. The content and facilitation approach for these workshops drew on the expertise of the different partner organisations and parliamentary representatives to share their experiences on the various challenges and good practices in their institutions. Finally, the reflection phase served to consolidate and share learning and inform future collaboration on parliamentary capacity strengthening which also inspired the idea for this collaborative book project. This included a reflection workshop with representatives from partner organisations and regional parliaments, as well as a broader learning symposium to share lessons and emerging issues with a broader audience.

The various partners contributed their different areas of expertise in some of the following ways: ACEPA directed the discussions on defining the concept of evidence and exploring the politics of evidence use within the parliamentary context and its specific mandates; AFIDEP shared its expertise in strengthening the evidence selection, synthesis and evidence packaging skills required in order to select and use evidence effectively; CLEAR-AA, GIMPA, Twende Mbele and APNODE drew attention to parliament's role as an evaluative institution by guiding discussions on the role of M&E in parliaments and parliament's role in national evaluation systems; UNWomen raised awareness around the importance of an integrated focus on generating and using evidence on gender equality and equity within the framing of the SDGs, and specifically the role of parliaments in addressing inequalities by examining social inclusion and power relations to promote more inclusive growth and development. Specifically mandated by their respective parliaments to build the cross-sectional capacities of parliamentary staff and MPs, the internal parliamentary training institutes – the Parliament of Kenya's Centre for Parliamentary Studies and Training (CPST) and the Parliament of Uganda's Institute of Parliamentary Studies – brought valuable insider perspectives on the intersection between evidence use and the different mandates, roles and responsibilities within the parliamentary context. The programme's reflection phase also benefitted from the involvement of the International Network for the Advancement of Science to Policy (INASP) as a strategic thought partner highlighting the value of a

holistic approach to capacity strengthening, with particular attention being paid to organisational culture, incentives and aspects that inform behaviour and decision-making.

Lessons learnt

The programme reinforced the importance of a participatory needs analysis (diagnostic) process that develops understanding and builds good relationships, coupled with a flexible participatory planning approach to ensure that the programme is adjusted where and when necessary to meet the needs prioritised by participants (and their respective parliaments) as far as possible.

The regional peer-learning approach worked particularly well to allow for mutual learning from the experiences of different parliaments and partner organisations. Profiling relevant good practices in the various parliaments and profiling the work of partner organisations provided a valuable basis for participants and their respective organisations to continue learning from each other and working together to strengthen systems of evidence beyond the programme initiatives.

The partnership development process throughout the programme allowed for ongoing strategic relationships to develop among partner organisations and champions within parliaments. As a result, informal communities of practice have developed among participants for ongoing sharing of learning and resources and for exploring collaboration opportunities to champion and enhance systems of evidence use in parliaments.

Based on the authors' direct experiences in conceptualising and implementing this programme as well as various internal project reports including, among others, the tracer study report frequently referred to in the chapter:

CLEAR-AA & Twende Mbele (2020) "Tracer Study Report: Effects of the Parliamentary Capacity Strengthening Initiatives implemented by CLEAR-AA and Twende Mbele between 2017 & 2018".

1.2

CAPACITY-BUILDING CASE STUDY: VAKA YIKO – BUILDING CAPACITY TO USE RESEARCH EVIDENCE

As part of the Building Capacity to Use Research Evidence Programme (B-CURE), the International Network for the Advancement of Science to Policy (INASP) led the VakaYiko component of the programme aimed at strengthening capacity for evidence use in the parliaments of Ghana, Uganda and Zimbabwe. VakaYiko was a three-year project that ran between 2013 to 2017 and was implemented through a consortium of partners including the Zimbabwe Evidence Informed Policy Network (ZeipNET), the Uganda National Academy of Sciences (UNAS), the Ghana Information Network for Knowledge Sharing (GINKS), and the African Centre for Parliamentary Affairs (ACEPA).

The VakaYiko programme was one of six linked projects in the UK Department for International Development's (DFID) Building Capacity to Use Research Evidence (B-CURE) programme that aimed to build the capacity of decision makers in low- and middle-income countries to access, appraise and use research evidence and rigorous data (Itad, 2020).

VakaYiko built parliamentary capacity at individual, organisational and network levels in each country. At the individual level, VakaYiko drew on INASP's evidence-informed policy-making toolkit to train parliamentary staff involved in gathering and synthesising evidence for decision-making. The individuals included parliamentary researchers, committee clerks, librarians and IT staff (INASP, 2017).

At the organisational level, capacity building helped teams implement processes that allowed for the effective access, appraisal and use of research evidence and rigorous data. For instance, VakaYiko's intervention in the Parliament of Ghana led to the development of a 'strategic approach to evidence', and the Parliament of Uganda reviewed and updated their research policy (INASP, 2017). In the case of the Parliament of Ghana, the strategic approach to evidence consisted of seven key elements to "support collaboration between information support units on both a technical and strategic level to meet evidence needs" (INASP, 2018, p. 3). The first element is a reflective process that looks at the roles of each information support department, and subsequent steps "involve mapping the political, organisational and other factors affecting key evidence processes before identifying how each department can contribute to improving these processes" (INASP, 2018, p. 3).

Finally, at the network level VakaYiko engaged in relationship building between legislatures and the national research sector. In the Parliament of Uganda, a Research Week was held after a series of dialogues and events on the use of research evidence (INASP, 2017). Other activities included peer-learning networking between parliaments (INASP, 2017). Led by the African Centre for Parliamentary Affairs (ACEPA), parliamentary staff shared their experiences and made suggestions on topics they wanted to learn more about through face-to-face engagements and online learning sessions. INASP reports that "these addressed a variety of issues, from strengthening mechanisms to enable citizen evidence to contribute to parliamentary discussions, to constituency profiling, different models for Parliamentary Budget Offices, and strategies to communicate evidence to MPs" (INASP, 2017).

VakaYiko's approach to capacity building began with policymakers' suggestions on areas of interest that needed to be strengthened. VakaYiko therefore consulted on 'demand side' considerations rather than speculating on possible areas of interest that might be appropriate for context – the 'supply side' (ODI, 2016). This approach meant that the consortium looked both at legislative needs and ways to create demand for evidence for policymakers.

Lessons learnt

The VakaYiko initiative revealed a number of lessons that can and should be taken into account when planning future parliamentary capacity-strengthening programmes. First, legislatures are inherently political, and therefore the political structures, dynamics and considerations underpin any decision-making process (Hayter, 2017). Likewise, the intensely politicised nature of legislative work means that different considerations apply for evidence use and research for organisations building capacities in legislatures compared to building capacity in the civil service or ministries (Hayter, 2017). Moreover, it is equally important to acknowledge that parliamentary staff differ from civil service, executive and ministerial staff. Their motivations and approaches are heavily influenced by the political nature of the institution. Finally, the parliamentary cycle often dictates the availability of MPs and their staff. Implementing organisations need to be aware of the parliamentary calendar and its implications on staff and MP availability and willingness.

Most importantly, perhaps, we learn from the VakaYiko project that intervention should only be initiated after legislatures have reached the point of recognition of their internal limitations and their requirements which then prompts a request for assistance (INASP, 2017; Hayter, 2017). In addition, the value of working through parliaments' existing systems and with local expertise to address capacity needs was highlighted as a key lesson.[25] African legislatures are recipients abundant of external capacity and technical support which is often uncoordinated and/or underreported. INASP concluded that their future interventions need to focus less on enabling parliaments' self-sustainability and more on empowering parliaments to recognise the limited capacities which can be addressed by means of efficient coordination of agreements with external actors and improved internal collaboration.

The Vaka Yiko programme also provided an opportunity for INASP to partner with ACEPA to analyze what they had learnt about evidence systems in African parliaments.[26]

Ultimately, these lessons create the introspective and internally collaborative environments and processes that will allow legislatures to identify their own capacity-strengthening needs, and to take ownership of ensuing capacity-strengthening initiatives. Furthermore, this experience illustrates the value of a collaborative partnership with ACEPA bringing the parliamentary expertise and INASP, the EIPM expertise.

Compiled by Tefo Mosienyane based on an interview with Emily Hayter, specifically conducted as part of the research for this chapter, as well as relevant online documents describing the programme of work.

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[25] See for example, INASP's work with the Parliament of Uganda, included in the INASP report (specifically Section 3.5, p. 47-48). https://bit.ly/3lIMe5z

[26] The analysis included case studies of specific parliaments involved in the programme. https://bit.ly/2Xmkc6A

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1.3

CAPACITY-BUILDING CASE STUDY: THE MALAWI PARLIAMENTARY SUPPORT INITIATIVE

The ongoing Malawi Parliamentary Support Initiative (MPSI) is a targeted intervention which started in May 2018 and is funded by USAID/Malawi through the Malawi STEPS grant to Counterpart International and implemented by AFIDEP as a sub-grantee. The aim of the initiative is to bolster the oversight, legislative and representative capabilities of the Malawian Parliament in relation to budget analysis, financial scrutiny and policymaking. Members of Parliament, parliamentary leadership, parliamentary technical staff, civil society organisations and academia are amongst those targeted by MPSI.

MPSI has three primary objectives. The first is to strengthen the prevailing structures and systems that inform evidence-informed budget analysis, financial scrutiny and policymaking. The second objective is to conduct interventions to build on existing skills and technical knowledge of parliamentary staff, specifically in financial oversight, budgetary analysis and informed policymaking. Finally, AFIDEP provides budget analysis and related research to support the legislative, oversight, and representative roles of parliament throughout the tenure of MPSI.

AFIDEP developed guidelines and manuals based on lessons learnt from past similar interventions in regional parliaments and tailored these findings to the specific and nuanced needs of the Parliament of Malawi. These guides and manuals are effective tools for on-boarding new members and employees. As these tools are specific to Malawian needs and underpin certain parliamentary processes, they serve to institutionalise the knowledge and create a platform on which to build future knowledge.

MPSI has developed five guidelines and manuals in line with the goals of this project. The Budget Analysis Manual is used by the Parliamentary Budget Office, Public Accounts and Budget Committee and MPs to track and monitor the national budget and to assess its impact on policy implementation. The Legislative Research Manual targets the Research Section, Committee Section and MPs by strengthening the processes and quality of legislative research. The Bill Drafting and Analysis Manual is used by the Legal Section, the Research Section and MPs to establish high quality standards in research evidence for debating and decision-making during the Bill drafting and analysis processes. The fourth guide is the Guidelines for Parliamentary Committees Formulating Open Calls for Evidence. This guide is used by the Committee Section, the Research Section and the Civic Education Section to standardise calls for and analysis of evidence submitted to parliament. Finally, the Guidelines

for Submission of Evidence to a Parliament Committee Inquiry Guide was developed to guide the general public on procedures for evidence submission to parliamentary committees (AFIDEP, 2020).

Based on prior experience, AFIDEP's objective was to ensure that these guidelines and manuals were not treated as an end in themselves, but were widely disseminated and integrated into training and on-boarding programmes. AFIDEP found that this can only be achieved if a programme has won the buy-in from all levels of leadership in parliament and is valued by those participating in initiatives derived from the guidelines. Buy-in can be secured by ensuring that interventions are developed from parliaments' expressed needs and, crucially, when all levels of leadership are made aware of every intervention being implemented and why each intervention is necessary. Similarly, staff and MPs value intervention when it is understood to be responding to relevant gaps in the prevailing systems or in their own skill sets.

Lessons learnt

AFIDEP shared several lessons from their work with the Parliament of Malawi. The first lesson is that it is critical to be aware of the politics and political dynamics of actors in the context in which the intervention takes place, to ensure projects respond to demand, and to try to mitigate challenges that come with *per diems*.

The second lesson is that legislatures are inherently political. The political and informal culture of the institution informs how systems operate and the rationale behind actions.

The third lesson is that the tendency to develop proposals and obtain donor funding before approaching parliaments not only leads to projects that may not win institutional buy-in, but also entrenches uncoordinated donor systems that are characterised by overlapping donor-provided interventions and poor participation.

The last lesson is that programmes must seek creative ways to mitigate instances where participant numbers are inflated by the allure of *per diems*. There is a danger that *per diems* may attract participants who are not interested in training material but are drawn to destination training events, executive treatment, and supplementary income.

Compiled by Tefo Mosienyane.

Reference

African Institute for Development Policy (AFIDEP). 2020. *Malawi Parliamentary Support Initiative (MPSI)*. Available: https://bit.ly/3jGYrqs

Interview with Rose Oronje (AFIDEP): April 2020.

1.4

CAPACITY-BUILDING CASE STUDY: STANDING ORDERS AND EVIDENCE-BASED SCRUTINY AT THE NATIONAL ASSEMBLY OF THE GAMBIA

During President Yahya Jammeh's 22-year rule in The Gambia, the National Assembly (NA) was widely perceived as an ineffective and rubber-stamping institution rather than an efficient scrutinising body. Following his surprise defeat in the 2016 presidential election, the NA embarked on a transformative reform process. Speaker Hon. Mariam Jack-Denton and an external evaluation facilitated by the Commonwealth Parliamentary Association UK (CPA UK) identified outdated Standing Orders last updated in 2001 as a key obstacle to effective, evidence-based scrutiny.

CPA UK, the UK branch of the parliamentarians' membership organisation strengthening democracy across the Commonwealth, supported the NA's reform process through a targeted and coherent programme of activities based on peer-to-peer learning. The two-year technical assistance programme delivered in partnership with the Westminster Foundation for Democracy (WFD) provided an evaluation of the National Assembly; a review of the NA's Standing Orders; training on the new draft Standing Orders; and other capacity-building activities to enhance the skills of clerks and NA Members (NAMs), over 85% of whom were newly elected.

CPA UK deployed two clerks from the Northern Ireland Assembly to Banjul in August 2018 to assist a working group of NAMs and clerks in their review of the Standing Orders. Their report and recommendations launched an extensive consultation process with the Standing Orders Select Committee (SOSC) and other NAMs. The NA achieved a major milestone when it adopted the redrafted Standing Orders in September 2019.

For the very first time the Standing Orders afforded NAMs the space and time required for effective scrutiny of government. According to the UK's Centre for Public Scrutiny, good evidence is the backbone of good scrutiny. Although this holds true for legislative scrutiny, the previous Standing Orders did not specify minimum periods between stages of a Bill. As a result, NAMs felt that Bills were passed too quickly, often within a single day, allowing no time for scrutiny or external consultation.

The new Standing Orders preclude any Bill from passing the third reading in less than nine days (S.O. 66) to ensure that NAMs have an opportunity to reflect on evidence and committee reports. The new Standing Orders stipulate the inclusion of all NAMs and not only members of the relevant committee

in this process, but committees may also only recommend rather than make amendments at committee stage. These changes introduced the space needed to gather and analyse evidence to inform amendments to and votes on Bills.

Limited or unclear timelines similarly prevented the effective use of evidence in financial scrutiny with provisions in the 2001 Standing Orders and the 1997 Constitution effectively allowing the Assembly only three weeks to scrutinise the national budget each year. To accommodate the tight deadline, the NA held intensive budget workshops for members facilitated by experts but without extensive external consultation. The new Standing Orders stipulate a five-week process for this, where the Finance and Public Accounts Committee and the government must agree to administrative arrangements (S.O. 81).

In addition to ensuring that parliamentarians have the necessary resources, capacity, and skills to gather and use evidence in their scrutiny role, parliaments need the requisite framework, including adequate Standing Orders and practical guidance. Hon. Sidia Jatta MNA, Chairperson of the Standing Orders Committee, recognised Standing Orders as 'dynamic', requiring updating 'to meet the prevailing time and circumstances'. While Standing Orders may evolve over time, they must always enable parliamentarians to make decisions and recommendations based on evidence. Without evidence, parliamentarians invariably fail in their responsibilities to their constituents – scrutiny, legislation and representation.

Submitted by Felicity Hermann, representative of The Commonwealth Parliamentary Association (CPA) UK.

2

THE EAST AFRICAN LEGISLATIVE ASSEMBLY: PARLIAMENTARY INSTITUTIONS AND IMPLICATIONS FOR EVIDENCE USE



Anatole Nahayo and Peter Mathuki

In presenting the institutional structure within which the East African Legislative Assembly (EALA) operates, the paper highlights its establishment in the EAC institutional framework, its mandate and how it discharges it, its membership, and its administrative structure.

Institutional arrangements of the East African Legislative Assembly: The establishment of EALA as the legislative branch of the EAC

The East African Legislative Assembly is the legislative arm of the East African Community (the EAC or the Community), with its headquarters in Arusha, Tanzania. The assembly is established under Articles 9 and 49 of the Treaty for the Establishment of the EAC (the Treaty) along the executive and judicial branches of the EAC within the context of separation of powers. The executive arm of the EAC comprises the Summit of Heads of State, the Council of Ministers, the Coordination Committee, the Sectoral Committees, the Secretariat, as well as EAC sector-specific institutions[1] The East African Court of Justice (EACJ) constitutes the judicial arm of the EAC. The EALA is the only regional parliament with legislative powers in Africa (Gastorn, 2015, p. 33).

The EAC was established through the treaty that was signed on 30 November 1999 by Kenya, Tanzania and Uganda (the founding partner states). The EALA treaty came into effect on 7 July 2000. Burundi and Rwanda were subsequently admitted to the EAC on 1 July 2007 and Sudan on 15 August 2016.

The EAC is a result of the revival of the former Common Market established by the Treaty for East African Cooperation signed in Kampala on 6 June 1967 which came into force on 1 December of the same year and lasted 10 years (1967-1977) before its collapse. The community is "unfinished project in restoring the regional integration that East Africa once enjoyed almost half a century ago" (Paul, 2012, p. 14). The overarching objective of the EAC, as stipulated in Article 5.1 of the Treaty involves ensuring cooperation in the EAC and mutual benefits. The community jointly agreed to establish the customs union; a

[1] The EAC institutions are namely East African Science and Technology Commission (EASTECO), Lake Victoria Fisheries Organization (LVFO), Lake Victoria Basin Commission (LVBC), Civil Aviation Safety and Security Oversight Agency (CASSOA), Inter University Council for East Africa (IUCEA), East African Kiswahili Commission (EAKC), East African Parliamentary (EAPI), East African Development Bank (EADB), East African Health Research Commission (EAHRC) and East African Competition Authority (EACA).

common market; monetary union; and a political federation. The EAC partner states have adopted protocols for the establishment and implementation of the Customs Union (in force since 2005); the Common Market (in force since 2010); and Monetary Union (the Monetary Union Protocol was signed on 30 November 2013 to lay the groundwork for a Monetary Union within 10 years); and is in the process of drafting a constitution for the establishment of the EAC political confederation as a transitional stage to the political federation.

The EALA was formally inaugurated by the heads of state at its first sitting in Arusha, Tanzania on 30 November 2001. The term of each assembly is 5 years which coincides with the tenure of its members who may be re-elected once. The first assembly's tenure ran from 29 November 2001 to 29 November 2006. The second assembly's tenure ran from 5 June 2007 to 4 June 2012; the third assembly's tenure ran from 5 June 2012 to 4 June 2017 and the (current) fourth assembly commenced on 18 December 2017 and will run until 17 December 2022.

EALA discharges the legislative, oversight and representation function

The treaty bestows on the assembly the legislative, oversight and representative functions on all matters within the EAC as set out by Article 49 of the Treaty. These include:

- Liaison with partner states on EAC-related issues;
- Debate and approval of EAC budgets;
- Review of annual reports on EAC including audit reports and relevant reports as recommended by the council of ministers;
- Discussion of EAC matters and making recommendations to the council of ministers;
- Making recommendations regarding appointments of the Clerk and other officers in the EALA;
- Setting relevant rules and procedures; and
- Other functions conferred by the treaty.

A number of other legal instruments have been adopted to facilitate and further guide the discharge of the mandate of the EALA. They mainly include (in addition to the treaty):

1. The Acts of the East African Community Act, 2004 which "provides for the form and commencement of Acts of the EAC, for the procedure following passing of Bills and for other related matters";
2. The EAC Budget Act, 2008;
3. The Laws of the Community (Interpretation) Act, 2004;
4. The EALA (Powers and Privileges) Act, 2003;
5. The Administration of the EALA Act, 2012; and
6. The Rules of Procedure of the Assembly, 2015.

Legislative function

The legislative function of the EAC is shared with the heads of state of the partner states. Under Article 62 (1) of the Treaty, "the enactment of legislation of the Community shall be effected by means of Bills passed by the Assembly and assented to by the Heads of State." The assent of the heads of state signifies their approval of a Bill passed by the EALA. The date on which an Act of the Community is passed is determined by the day on which all the heads of state assent to the Bill.[2] Therefore, the heads of state have the final say over the legislative process for the EAC, meaning that any Bill passed by the NA for which any of the heads of state withholds assent lapses (Article 63 (4) of the Treaty).

It is important to mention the supranational effect of the Acts enacted by the EALA (which have been assented to by the heads of state). Under Article 8(4) of the Treaty, community organs, institutions and laws shall take precedence over similar national ones on matters pertaining to the implementation of the treaty. The Attorney-Generals of the partner states, in their capacities as principal legal advisors to national government have guided that community laws, including Acts enacted by the EALA cannot take precedence, override or supersede national constitutions (Gastorn, 2015, p. 33).

The power to initiate regional Bills is shared between the Council of Ministers as the policy organ of the community and the NA as its legislative arm. One the one hand, "[a]ny member of the Assembly may propose any motion or

[2] A combined reading of Sections 2 and 13 (1) of the Acts of the East African Community Act, 2004.

introduce any Bill" as long as the motion is related to the functions of the Community and to a matter with respect to which Acts of the Community may be enacted.[3] On the other hand, the Council of Ministers has also the power to "initiate and submit Bills to the Assembly."[4]

The exercise of this shared power has resulted into ongoing tension between the two organs of the community (Gastorn, 2015, p. 28) leading some partner states to call for the amendment of the treaty so as to subject private member's Bills for council's approval (Gastorn, 2015, p. 28). Other partner states have instead called for enhanced coordination and cordial working relations between the NA and the Council of Ministers in the initiation of regional Bills. It is my considered opinion that such a coordination is essential for smooth functioning of the EAC.

The particular tension referred to by Professor Gastorn was as a result of a number of Bills initiated by the NA being opposed by the Council of Ministers on the grounds that the matters were still under negotiation or already opposed or agreed on by the Council of Ministers as representative of the interests of the respective partner states (Gastorn, 2015 p. 28). The Bills related to, among others, elections management (the East African Elections Bill), the management of tourism and wildlife (The East African Community Tourism and Wildlife Management Bill) and human rights (the East African Community Human and Peoples' Rights Bill). The Council of Ministers decided that "policy-oriented Bills such as those that have implications on the Partner States' sovereign interest and on the budgetary aspect of the Community, ought to be submitted to the Assembly by the Council under Article 14 (3) (b) of the Treaty as opposed to being submitted as Private Member's Bills under article 59 of the Treaty".

Although the matter was resolved by the East African Court of Justice in favour of the Assembly,[5] the tension over exercise of legislative powers of the assembly continues. In the report of the Assembly's Standing Committee on General Purpose, (which deals with budget matters for the EAC) which was adopted by the House on 2 September 2020, the assembly declared that "[it]

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3 Article 59.1 of the Treaty.

4 Article 14.3 (b) – Treaty Establishing the East African Community.

5 The EACJ ruled that the Assembly being "a representative organ in the Community set up to enhance a people centred cooperation, its independence […] should be preserved because the Treaty has not endowed the Council with any power to interfere in the operation of the Assembly", […] the decisions of the Council have no place in areas of jurisdiction of the Summit Court and the Assembly". See *Calist Andrew Mwatela, Lydia Wanyoto Mutende, Isaac Abraham Sepetu* vs *East African Community*, Application No.1 of 2005, EACJ.

should never allow any individual or organ/institution of the EAC to stampede the august House in the course of discharging its mandate" and that "[it] shall always endeavour to promote and strengthen cordial working relations with the Council and other Organs and Institutions, but not at the expense of its mandate".

The tension over the initiation of Bills goes deep into the legal nature of the EAC. Scholars who support enhancing the role of the executive argue that the EAC is not a supranational body, but rather a body corporate with the partner states as 'sole shareholders' and the governments of the partner states as trustees on behalf of their citizens who are beneficiaries of the integration process. To them, the EAC has no separate interests from those of the partner states, and it represents the interests of the partner states as its constituency and 'not the citizens' (Gastorn, 2015, p. 33). The essence of this school of thought is that the (Council of) Ministers represent the interests of the partner states from which they seek and obtain instructions and guidance, unlike the (members of) EALA who are independent in exercising their mandate and are not directly elected by the people. It goes on to question the relevance of the doctrine of separation of powers in the context of regional integration where the community is not a sovereign state, but rather a state-centric intergovernmental organisation without separate interests from those of the partner states (Gastorn, 2015, p. 32).

It is my point of view that disconnecting the interests of the citizens from the interests of the partner states poses a serious threat to democratic governance both at the national and regional levels. Likewise, members of the Council of Ministers are ex-officio members of the EALA who, like the members of the assembly, have been sworn to be "faithful and bear true allegiance to the East African Community" and to "preserve, protect and defend the Treaty for the establishment of the East African Community".[6] The fact that members of the assembly are not directly elected by the people should not justify any course of action contrary to the principle of people-centred cooperation clearly laid down in the treaty.[7]

The best way to resolve the tension would be by establishing effective cooperation between the assembly and council on the initiation and adoption of Bills. The participation of members of the council, the Secretary General and

[6] Annex 7 of the Rules of procedure of the Assembly on Oath or Affirmation of allegiance of members.
[7] Article 7 (1) (a) of the Treaty.

Counsel to the Community (the principal legal advisor of the community) as ex-officio members of the assembly in the plenary sitting provides an excellent opportunity for enhanced coordination between the assembly and members of the Council of Ministers.

There has also been an attempt to involve national assemblies in the discharge of the legislative mandate of the EALA. In its request for reform of the assembly, the United Republic of Tanzania sought greater involvement of the national parliaments in the EALA's legislative. The motivation was the operationalisation of the policy of public participation in the EAC matters by taking into account opinions of the general public expressed through elected members of the national assemblies and to enhance cooperation between the EALA and the national assemblies of the partner states. The Republic of Uganda opposed the request invoking the need for "national assemblies to be kept out of the EALA legislative process" (Gastorn, 2015, pp. 40-43).

Despite a number of challenges, the assembly has, since its inauguration in 2001 to date, passed 91 pieces of legislation, of which 66 (72.5%) have been assented to into community laws by the heads of state, 17 (18.7%) are still under the process of assent and the remaining 8 Bills (8.8%) have been disapproved by the heads of state (by withholding their assent). The majority of those Bills have been initiated by private members of the assembly.

Oversight function

The oversight function of the assembly is carried out mainly through the following means:

1. **Statutory reports** of the Council of Ministers to the assembly as provided for under the treaty such as:
    a) The general report on the activities of the Community to be presented annually under Article 59 (3) (a) of the Treaty;
    b) The report on progress made by the Community in the development of its common foreign and security policies to be submitted on an annual basis under Article 59 (3) (c)of the Treaty; and
    c) The annual report on the Audited financial Statements of EAC Organs, Institutions, projects and programmes to be submitted by the EAC Audit Commission through the Council of Ministers under Article 134 (3) of the Treaty.
2. **Budgetary oversight** which the assembly exercises to provide direction on the EAC spending and allocation of resources, as per Article 132 (5) of the Treaty: "the resources of the Community shall be utilised to finance the activities of the Community as shall be determined by the Assembly on the recommendation of the Council."

3. **Questions for (written or oral) answers** put to the council as provided for under Sections 18-21 of the Rules of Procedure of the Assembly (so far over 100 priority questions have been put to and answered by the council);
4. **Resolutions** of the assembly adopted as per Rule 34 of the Rules of Procedure of the Assembly (so far, the assembly has adopted 151 resolutions);
5. **On-the-spot assessment** missions conducted in partner states;
6. **Representation function: citizen engagement in policymaking**.

In terms of the representation function, the assembly is guided by the principle of people-centered integration laid down in Article 7 (1) (a) of the Treaty, as one of the operational principles of the community which govern the practical achievement of the objectives of integration. It strives to place the people of East Africa at the centre of its policy decision-making in line with the best practices in modern public administration and participatory democracy (Brenton, 2011).

To ensure effective citizen engagement in policymaking, the assembly has established two-way communication where it reaches out to the people of East Africa through the following means, amongst others:

- Enhanced cooperation with national assemblies as required by Article 65 of the Treaty:[8] the assembly holds rotational sittings of the House in the partner states where it is hosted by and interacts with the National Assemblies, organises joint workshops with the EAC on regional integration established in the national assemblies, coordinates the meetings of EAC Speakers, coordinates the NANYUHI series (Inter-Parliamentary Relations Seminars) bringing together members of the 6 national assemblies, and the EAC Interparliamentary games.
- Conducting stakeholders' consultation through workshops or public hearings in the process of enactment of Bills.
- Publishing the draft Bills in the EAC Gazette for the public to express their views and provide further input.
- Undertaking outreach programmes aimed at sensitising and building public awareness of the integration progress and its benefits.
- Engagement with the business community, civil society organisations, youth, women and other special interest groups.

[8] "In pursuance of the policy of the Community of popular participation in the achievement of its objectives and so that the Council may be able to take into account in the exercise of its functions, the opinion of the general public in the partner states on matters relating to the achievement of the objectives of the Community as expressed through the debates of the elected members of their National Assemblies, and those of the Assembly and to foster cooperation between the Assembly and the National Assemblies of the Partner States".

- Undertaking evidence-based tours to assess EAC trade and investment and social projects across a wide number of sectors. During these tours, EALA MPs interface with various stakeholders at border points and within partner states' territories.
- Ensuring public access to the NAs mainly through petitions, as provided for under Rules 86-88 of the Rules of Procedure of the EALA.
- Setting up EALA chapter offices in partner states to ensure interaction between the citizens and general public nationals and their representatives in the EALA.
- The composition of EALA and the election of its members are guided by equal representation of the partner states, representation of the society in its diversity, indirect electoral process, and no dual legislative mandate.

The assembly has a membership comprising nine (9) members elected by each of the six (6) partner states, irrespective of the size of their population or the power of their economy. The election of members of the EALA is conducted by the National Assembly of the partner state, which also determines the electoral procedure to be followed. More precisely, Article 50 (1) of the Treaty provides as follows:

> The National Assembly of each Partner State shall elect, **not from among its members**, nine members of the Assembly, who shall represent as much as it is feasible, the various political parties represented in the National Assembly, shades of opinion, gender and other special interest groups in that Partner State, in accordance with such procedure as the National Assembly of each Partner State may determine. (Emphasis added).

According to Article 50 (2) of the Treaty, the candidates need to be citizens of one of the partner states, be eligible for election as a member of the NA of a partner state; not hold an office as a minister in a partner state; not be an officer in the service of the EAC; and have experience/interest in the aims and objectives of the EAC. The EALA membership includes the ministers who form the Policy Organ of the Community (the Council), the Secretary General of the Community and the Legal Adviser of the Community (the Counsel to the Community) to participate in the work of the assembly as its ex-officio members. Though ex-officio members do not have voting rights in the assembly,[9] they are de facto regularly consulted, especially in process of enactment of Bills.

Currently the assembly is composed of 54 elected members and 8 ex-officio members (minister (or substitute) responsible for EAC Affairs from each partner state, plus the Secretary General of the EAC and the Counsel to the Community) totalling a membership of 62.

[9] Article 58. 2 Treaty Establishing the EAC.

In accordance with the principle of people-centred integration enshrined in the treaty, and despite the indirect electoral process, the elected members of the assembly must be representative of their society as much as possible, including political party representation, gender, and special interest groups, as supported by Section 4 (3) of the EALA Elections Act, 2012.

Notwithstanding the requirement for representation of the society in its diversity, the main political parties in the partner states ultimately determine the membership of the EALA. As rightly underscored by the East African Court of Justice (EACJ), in EACJ, Reference No.1 of 2006, "Article 50 of the Treaty constitutes the National Assembly of each Partner States into 'an electoral college' for electing the Partner State's nine representatives" to the EALA. Under the same provision of Article 50, the elected members shall represent, as much as it is feasible, "the various political parties represented in the National Assembly." (Emphasis added). Through this electoral mechanism, the main political parties in the partner states (which naturally have more seats in the national parliaments) determine who shall be elected to the EALA, be it for the members elected from the political parties or the representatives of other specified groups (shades of opinion, gender and special interest groups). Less powerful political parties in the partner states have been resorting to the EACJ to challenge the election of the EALA's members wherever they felt discriminated, such as in EACJ, Reference No. 6 of 2001, the Democratic Party and Mukasa Fred Mbidde versus the Secretary General of the EAC and the Attorney General of Uganda.

There have also been unsuccessful attempts to remove some EALA members before the end of their tenure following internal conflicts within their political parties of origin in the partner states leading to the expulsion of the members from their political parties, or when the political party of origin has lost membership in the National Assemblies in new national parliamentary elections (EALA, Report of the Committee on Legal, Rules and Privileges, 2016).

The result is that the EALA has a similar membership to the National Assemblies as far as political parties and shades of opinions are concerned. The term of each assembly is 5 years which coincides with the tenure of its members who **may be re-elected once** for an additional final term of 5 years.

It is important to note that the EALA membership model has the distinct merit of avoiding the 'dual mandate' associated with systems where members of regional parliamentary bodies also hold seats as elected representatives in the national parliaments. This allows members to focus their efforts exclusively on the business of the community to which they must bear allegiance (as per the requirement of Rule 5(4) of the Rules of procedure of the Assembly) in the following terms:

> I... do swear/affirm that, I will give true and faithful service to this Assembly and that I will be faithful and bear true allegiance to the East African Community and will preserve, protect and defend the Treaty for the Establishment of the East African Community as by law established.

The EALA administrative structure reflects the representation of the partner states

The administrative structure and the functioning of the EALA must reflect and consider representation of the partner states, despite the fact that members must swear allegiance to the EAC and shall not receive or act on instructions from their partner states.

Starting from the Speakership, **the Speaker** of the assembly is elected by the elected members from among themselves on a rotational basis across the partner states and for a five-year period.[10] The Speaker is the political head of the assembly and is assisted by the Commission in the management of parliamentary affairs. There is no Deputy Speaker, although when in session and in the absence of the Speaker, members can elect another member to undertake the presiding role.

The EALA commission is the governing board of the assembly and comprises the Speaker (who chairs it), the Chairperson of the Council (ex-officio member) and two members of the assembly from each partner state.[11] The commission is served by the Clerk who acts as its secretary.

The EALA commission consists of the Speaker as its chair, the members being the chairperson of the EAC council of ministers and 12 other members (2 from each partner state).

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10 Article 53 (1) of the Treaty.
11 Section 3(2) of the Administration of the EALA Act, 2012.

The commission is the overall administrative board of the assembly and performs the following functions as laid down under Section 4 of the Administration of the EALA Act, 2012:

1. Manage and organise the business and programme of the assembly;
2. Nominate members of standing and other committees;
3. Make recommendations to the council on terms and conditions of service of members of the assembly;
4. Recommend to the council the appointment of the Clerk and other officers of the Assembly;
5. Make recommendations to the council on salaries and other terms and conditions of service of the Clerk and other officers of the assembly;
6. Make recommendations to the council on appointments, promotions and the exercise of disciplinary control over officers and other staff of the assembly;
7. Cause to be prepared in each financial year estimates of revenue and expenditure for the assembly for the next financial year;
8. Make recommendations to the council on staff rules and regulations for the staff of the assembly; and
9. Perform such other functions as may be necessary for the wellbeing of the members and staff of the assembly to ensure the effective and efficient functioning of the assembly.

The assembly conducts most of its business through standing committees that feed into the work of the plenary. The establishment of a committee is explicitly provided for under Article 48 (3) of the Treaty which reads as follows:

> The Assembly shall have committees which shall be constituted in the manner provided in the rules of procedure of the Assembly and shall perform the functions provided in respect thereof in the said rules of procedure.

Under Section 4 of the Administration of the EALA Act, 2012, power to nominate members of standing and other committees is bestowed upon the commission. The rules of procedure of the assembly clarify further the number of standing committees, their composition, their functions and the quorum required for their meetings.

The assembly has established the following 6 standing committees and each elected member serves on two committees:

1. Accounts;
2. Legal, Rules, and Privileges;
3. Communications, Trade and Investment;
4. Agriculture, Tourism and Natural Resources;
5. Regional Affairs and Conflict Resolution;
6. General Purpose.

As is the case for the commission, the membership of the Standing Committees of the assembly is arranged to ensure equal representation by the partner states.[12] However, the committee makes is decision on simple majority basis, irrespective of partner states' representation.

The committees listed above cover all the seventeen (17) areas of cooperation under the treaty. The members of the committees are nominated (by the commission) from among the members of the assembly for a two-and-a-half-year term, subject to fresh nomination thereafter for the remaining period of the tenure of the assembly (two-and-a-half years). Each committee is currently composed of 18 elected members (3 from each of the 6 partner states). The chairperson of each Standing Committee is elected by members of the committee.[13]

Committees' functions are laid down in Rule 81 of the assembly and include:

1. Discussing and making recommendations on Bills received by the EALA;
2. Initiating Bills related to their mandates;
3. Assessing EAC activities;
4. Conducting relevant research within their mandates;
5. Examining policy in line with subject areas;
6. Evaluating action programmes and making relevant recommendations;
7. Examining the EAC budget estimates; and
8. Reporting to the EALA on committee functions.

The specific functions of each of the standing committees are provided for under Annex 5 of the Rules of Procedure of the Assembly. They are described in the table below.

[12] Rule 79 (5) of the Rules of Procedure of the Assembly.
[13] Rule 80 of the Rules of Procedure of the Assembly.

Table 2.1 Specific functions of the standing committees

SN	Committee	Functions	Comments
1	Accounts	◗ Reviewing and scrutinising of the expenditure incurred by the EAC secretariat, the organs and institutions.	The audited financial statements are prepared by the EAC audit commission and presented in the House by the chairperson of the council of ministers.
2	Legal, Rules and Privileges	◗ Receiving and scrutinising the complaints against legal entities within EAC. ◗ Advising and making recommendations on governance matters under EAC Treaty.	The complaints under the mandate of the committee are those related to: 1. Legal and judicial affairs; 2. Independent mandate, privileges and immunities of the assembly; 3. Alleged breaches of the established code of conduct; 4. Establishment of requisite codes of conduct and dress for members, staff and visitors while within the precincts of the assembly; 5. Investigation into and recommendation of solutions for breaches/noncompliancce with declaration of a member's financial interests; of the rules and procedures; 6. The receipt and disposal of proposals for the amendment of the rules of procedure; 7. Complaints and alleged non-compliance with provisions of the Treaty; and 8. General, transitional and final provisions of the Treaty.

Table 2.1 Specific functions of the standing committees (continued)

SN	Committee	Functions	Comments
3	Communication, Trade and Investment	◗ Receiving reports on the status of implementation of the provisions of the Treaty. ◗ Attending to complaints of non-compliance in facilitating the achievement of the objectives/goals of the Treaty; oversight of work and activities of the sectoral committee of the EAC.	This function is related but not limited to: 1. Cooperation in trade, liberalisation and development; 2. Cooperation in investment and industrial development; 3. Cooperation in standardisation, quality assurance, metrology and testing; 4. Monetary and financial cooperation; 5. Cooperation in infrastructure and services; 6. The private sector and civil society; and 7. Partnership interaction with other stakeholders e.g. development organisations.
4	Agriculture, Tourism and Natural Resources	◗ Reviewing legislation; receiving/calling for reports from sectoral committees; monitoring/oversight of implementation of programmes/projects; and receiving and investigating complaints of non-compliance. ◗ Conducting specific studies of the programmes/projects in their remit.	This function is related but not limited to: 1. Agriculture and food; 2. Cooperation in environmental and natural resources management; and 3. Cooperation in tourism and wildlife management.
5	Regional Affairs and Conflict resolution	◗ Addressing the implementation of the provisions of the Treaty relating to regional affairs; ◗ Conducting studies and investigations; and ◗ Receipt of reports of complaints for non-compliance and the general oversight of project implementation.	This function is related but not limited to: 1. Free movement of persons, labour, services, right of establishment and residence; 2. Cooperation in political matters; 3. Cooperation in other fields; and 4. International organisations and development partners.

Table 2.1 Specific functions of the standing committees (continued)

SN	Committee	Functions	Comments
6	General Purpose	◗ Overseeing the progress made in the implementation of the provisions of the Treaty; discussing and scrutinising the budget for the forthcoming fiscal year.	This function is related but not limited to: 1. Development of human resources, science and technology; 2. Health, social and cultural activities; 3. Enhancing the role of women in socio- economic development; and 4. Pre-budgeting.

Source: Established on the basis of the applicable Rules of Procedure of the Assembly

The committees must table the reports on the activities undertaken prior to the plenary sitting of the assembly for its debate and adoption. Even at this level of functioning, the quorum of the plenary meetings of the assembly must reflect partner states' representation as stipulated by Rule 12 (1) of the Rules of Procedure of the Assembly which reads as follows: "The quorum of the House or of the Committee of the Whole House shall be half of the elected Members and **such quorum shall be composed of at least one third of the elected Members from each Partner State**."(Emphasis added).

Furthermore, as discussed previously, the legislative powers of the assembly are shared with the summit of heads of state with each head of state having a final say (veto power) in the legislative process at the EAC level. It is also worth mentioning that under the current institutional framework of the EAC, laws successfully enacted by the EALA and resolutions adopted by the assembly are implemented mainly at partner states' level.

The support services of the assembly are structured into two main departments – the legislature and the office of the clerk. The support staff positions are divided into three categories – professional staff (14), general staff (12) and temporary staff (19). Professional staff are recruited competitively from all the partner states, according to staff quota system per partner states, and they are employed on a fixed five-year contract renewable once. General staff are also employed on a five-year contract but their contracts can be renewed up to the

mandatory retirement age of 60. Temporary staff are employed on the basis of 6-month contract which is renewable depending on the needs and availability of funds. Among the 45 established staff positions, 9 professional positions are currently vacant, including the positions of Clerk and Deputy Clerk.

The legislature is mainly concerned with administrative issues relating to members, while the office of the clerk is responsible for the general working and efficient conduct of the business of the assembly and also addresses staff matters. The office of the clerk is further divided into legislative and procedural services; the Hansard; the security division; public relations; library and research; the ICT division; and the financial accounts division.

The newly revised EAC structure provides for 45 staff positions for the EALA of which 25 are in the professional category and 20 are general staff. It is yet to be implemented.

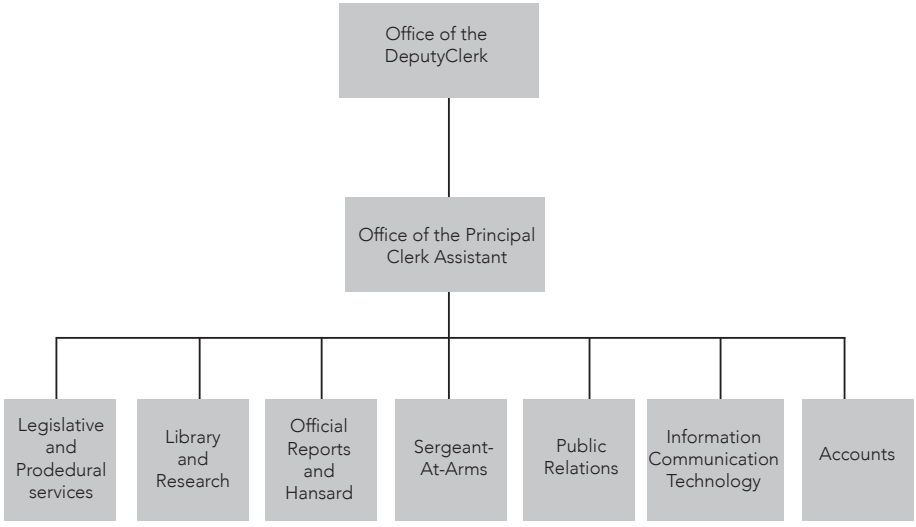

Figure 2.1 EALA's Organogram

Evidence use in the EALA

The institutional arrangements of the EALA discussed above set up the governance context within which the assembly discharges its legislative, oversight and representation mandates. This section analyses selected enabling and hampering factors that affect the use of evidence in the EALA and the efforts being made by the assembly to overcome the existing challenges. The analysis borrows much from the analytical frameworks for evidence use as outlined in Chapter 2 of the book.

Enabling factors for evidence use

The requirement for evidence in the conduct of the EALA's business

The EALA places evidence at the centre of the conduct of parliamentary business, a factor which is conducive to the production and use of evidence. This requirement is embedded in the legal framework governing the functioning of the assembly, mainly the administration of EALA Act, the EAC Budget Act, the EALA (Powers and Privileges) Act and the rules of procedure of the Assembly. The requirement for evidence refers to the contextual sphere of the Six-Sphere framework as it results from the institutional arrangements of the assembly.

General requirement for evidence for purpose of parliamentary debate

Much as members of the assembly are protected in the course of the discharge of their parliamentary mandate, the principle of freedom of speech and debate[14] and the principle of independence,[15] they are required to adhere tothe principle of responsibility by making evidence-based statements, as per the requirement of Rule 45 of the rules of procedure of the assembly:

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[14] The principle of freedom of speech and debate is provided for under Section 3 of the EALA (Powers and Privileges) Act, 2003 which reads as follows:*"there shall be freedom of speech and debate in the Assembly and its Committees and such freedom shall not be questioned in any court of law or place outside the Assembly."*

[15] Rule 3 (1) of the Rules of procedure of the Assembly reinforces the principle of freedom by stipulating the following the principle of independence in the exercise of the parliamentary mandate:*"Members of the Assembly shall exercise their mandate independently and shall not be bound by any instructions or orders from any person or authority regarding the exercise of their mandate."*

> A member shall be responsible **for the accuracy of any facts which he or she alleges to be true and may be required to substantiate any such facts** or to withdraw his or her allegations with an appropriate apology upon the direction of the Speaker. (Emphasis added).

Therefore, the requirement for evidence ensures the principle of responsibility as a counterbalance of freedom and independence in the exercise of the parliamentary mandate at the EALA.

To reinforce evidence use, Rule 26 (6) (e) of the rules of procedure gives authority to the Speaker to reject or alter any proposed motion which is not based on evidence: "If the Speaker is of the opinion that any proposed motion … contains or implies allegations which the Speaker is not satisfied **that the mover can substantiate** … the Speaker may direct either that the motion is inadmissible, or that the notice of it cannot be given without such alteration as he or she may approve" (Emphasis added). Similarly, allegations made without evidence may amount to 'grossly disorderly misconduct'. Under Rules (50 (5), (6) and 52 (1)), **the lack of supportive evidence** for allegations made by a member may constitute "grossly disorderly misconduct" of a member leading to his suspension from the service of the House (for a given number of sittings of the House). Rule (50 (6) defines grossly disorderly conduct as including the fact of persisting "in making **serious allegations without** (in the Speaker's opinion) **adequate substantiation**" or deliberately giving **false information** to the House." (Emphasis added).

Committee system and requirement for evidence

The committees play a vital role in the conduct of the business of the assembly through the planning of activities, implementation, monitoring and evaluation of performance.

The assembly operates on the basis of a five-year strategic plan which must be anchored in a five-year development strategy of the EAC (for all its organs and institutions). For each financial year, the commission collaborates with chairpersons of the standing committees to draw up the programme of the assembly for the year (Rule 60 (1) of the Rules of Procedure of the Assembly). The annual programme of the assembly must incorporate priority activities which have been agreed on at the individual committee level. A mid-term review of the status of implementation of the annual programme is undertaken at the beginning of the second half of the financial year (generally in the second week of January), followed by an end-of-year performance review.

At each stage, the committees require evidence to inform their respective activities as follows:

1. At the annual planning at committee level, each committee must ensure that the activities it wishes to implement are aligned with the overall objective of the community, the EAC Development Strategy and the Strategic Plan of the Assembly. This requirement compels the committee to demonstrate the actual facts which call for its intervention through the intended activities under the three functions of the Assembly – legislation, oversight and representation.
2. The annual planning meeting between the commission and the chairpersons of the standing committees considers the proposed activities and arbitrates between the competing priorities to formulate an annual operational workplan for the assembly (Committees' activities, plenary sittings, and others). At this stage, decisions on which activities are more relevant than others must be informed by the evidence provided by the committees. As a matter of principle, the committees must conduct equal numbers of activities (generally, two activities relating to legislation, two activities relating to oversight and a joint sensitisation activity for all the committees), except for the Committee on General Purpose and the Committee on Accounts which have to deal with additional statutory assignments, consideration of the proposed budget for the community and the audited financial statements of the community.
3. At the implementation level, each committee conducts the planned activities and report on them in the plenary sittings of the assembly. In their reports tabled before the House, the committees must provide evidence supporting their recommendations put forward for consideration by the assembly. The same applies for any minority report: "Any member or members dissenting from the opinion of a majority of a committee may state in writing the reasons for his or her or their dissent, and the statements of reasons shall be appended to the report of the committee." In such a situation, the committee will present its (majority) report to the House for adoption. But before adoption, the dissenting member will be also given opportunity to present the minority report, trying to convince the assembly to support him or her. In practice, the disagreement between the members of a committee leading to a minority report could be on the actual facts or the interpretation of facts. It is expected that the assembly would then require proper evidence from each side to inform the final report of the House.
4. At the mid-term review meeting, each committee will base any request for amendment of the annual workplan on facts justifying the amendment. The joint meeting of the commission and chairpersons of the committees discuss the proposals and, based on the evidence provided, will decide on the amended annual workplan for the second half of the financial year.
5. The commission, jointly with the chairpersons of the committees, holds an endofyear performance evaluation review meeting which will inform the annual operation workplan for the following financial year.

Specification of the types of evidence required

In addition to the abovementioned general requirement for evidence, other specific provisions under the EALA (Powers and Privileges Act, 2003), the EAC

Budget Act, 2008 and the Rules of Procedure of the Assembly prescribe which types of evidence may be needed. This evidence includes oral submissions, written memoranda, or other documents. Under Sections 13, 14.15 and 26 of the EALA (Powers and Privileges Act, 2003), the assembly may use oral evidence or written evidence (paper, book, record or document). This applies both for the plenary sittings of the assembly and the meetings of its committees.

Indication of persons from whom evidence may be specifically requested

Under Section 16 (a) of the EALA (Powers and Privileges Act, 2003), the assembly has far- reaching powers to summon any persons (as witnesses) for purpose of collecting evidence:

> The Assembly or any of its Committees is empowered to order the attendance of a member of the Council of Ministers, the Secretary General [of the Community] or any person holding office in the Community or private individuals **to submit memoranda or appear before the Assembly or its Committees to give evidence.** (Emphasis added).

Regarding the budget process for the community, Section 4 (5) the EAC Budget Act, 2008 allows the committee to which the proposed EAC budget for a given financial year has been referred:

> ...to call a member of the Council [of Ministers], the Secretary General, any person holding office in the Community, or any person holding public office in the Partner States and private individuals **to submit memorandum or appear before it to give evidence**. [Emphasis added).

Power of the assembly to compel evidence and cause imposition of penalties for falsification

The assembly (and any its committees) has the powers of the High Courts of the partner states to compel attendance or production of documents which are in the possession or under the control of witnesses or persons or issuing a commission to examine witnesses or persons abroad or in any place in the partner states (Section 17 of the EALA (Powers and Privileges Act, 2003). To further ensure the accuracy of information to be used as evidence, the presentation of any '**false, untrue, fabricated or falsified document or false oral answer**' to any question material to the subject of inquiry has been constituted into offence under the penal code of the partner states for which

the convicted person is liable to a fine not exceeding USD500 or a term of imprisonment not exceeding twelve months, or both (Sections 22 and 24 of the EALA (Powers and Privileges, 2003).

Requirement of evidence in respect of questions to the Council of Ministers

Regarding the rules of procedure of the assembly, evidence is further required with regard to questions the council, examination of petitions, and the removal of the Speaker.

Questions to council is an important oversight tool available to the assembly to control and influence the implementation of the EAC integration agenda. Any member of the EALA has the right to put questions to the council, provided that the question is 'genuinely of an interrogative character and its purpose is limited to seeking information or pressing for action' (Rule 18). The answer to the question may be oral or written (Rule 19 (1)). The rules of procedure distinguish between questions which require immediate answers and those which need detailed research (Rule 20 (1)). It is well understood that whichever is the case (oral or written), the answer should be supported by evidence on which the assembly will base its decisions.

Requirement for evidence in respect to petitions received

Regarding the examination of petitions addressed to the assembly in a matter which is under the EAC cooperation, this is assigned by the Speaker for consideration by the relevant standing committee which has to submit motions for resolutions to the House on the issues raised by the petitioners. Rule 87 (2) requires the committee to which the petitions have been referred to organise hearings or dispatch members to establish the facts of the situation. That means that the decisions of the committee considering the petitions must be evidence-based.

Requirement for evidence in respect to the removal of the Speaker

In the case of removal of the Speaker, Rule 8 (4) requires the Standing Committee on Legal, Rules and Privileges to investigate and report its findings to the assembly for debate. In such situations, the assembly must make its decision on the basis of the evidence provided by the investigative committee.

Briefly, the following activities of the assembly require appropriate evidence to be provided:

- Development of the strategic plan of the assembly;
- Drawing up annual operational plans;
- Statement to be made by a member in the House;
- Motion to introduce a private member's Bill;
- Consideration of a Bill initiated by the Council of Ministers;
- Motion for a resolution of the assembly;
- Budget scrutiny;
- Questions to and answers from the Council of Ministers;
- Examination of petitions;
- Reports of the committees to the House, including minority reports;
- Quarterly activity implementation reports;
- Mid-term review of the annual operational plan;
- End-of-year performance evaluation; and
- Removal of the Speaker.[16]

Establishment of the research unit of the assembly

The Research Unit of the assembly has been established "to develop and deliver high quality research and information services to the Members and staff of the Assembly". It is also responsible for building in-house research capacity of the assembly. It is further charged with monitoring and evaluation (M&E) of the work of the assembly. The M&E function is performed mainly by:

1. Tracking the process of assent to Bills by the heads of states, and the reasons for withholding assent to Bills;
2. Establishing a database of the resolutions adopted by the assembly and followingup on their implementation;
3. Writing and submitting quarterly and bi-annual implementation reports to the council of ministers; and
4. Liaison with the M&E unit of the EAC secretariat and contributing to the annual report of activities implemented by all the EAC organs and institutions which are tabled and considered by the assembly.

[16] The removal of the Speaker on the basis of non-substantiated allegations have already cost the sum of USD114.00 together with interest at 6% per annum from 24 February 2015 until payment is made in full (for special damages to the Former Speaker), awarded by the EACJ. See *Hon. Dr Margaret Zziwa* vs *the Secretary General of the EAC*, Appeal No.2 of 2017, EACJ.

The Research Unit is charged with the primary function of building an evidence-based culture in the assembly by utilising the best available information, facts and evidence and by prioritising these in its decision-making processes and evaluations of the performance of the assembly.

It should, however, be emphasised that the assembly has faced a number of challenges which have weakened its capacity to effectively use evidence in policymaking. The main challenges are related to the lack of human and financial resources (logistical and technical challenges) necessary to fulfil its mandate of providing evidence, particularly in view of the broad territorial scope of the research and the large number of stakeholders in the six partner states.

Primarily, the Research Unit is grossly understaffed. It currently comprises 1 senior research officer, 1 research officer (this position has remained vacant for the last 2 years) and 2 research assistants. This team of 3 officers is required to attend to all the research needs of 54 members of the assembly, 6 standing committees and the office of the Speaker. Poor distribution of the skills of the researchers (lack of sector-specific skills) exacerbate the problem – 2 are lawyers and 1 has a development studies background but they are expected to generate evidence relating to various cooperation areas such as infrastructure, health, environment, agriculture, industrialisation, etc.

In addition to understaffing challenges, the problem of underfunding seriously hampers the research activities of the assembly and its engagement with stakeholders (national and regional think-tanks, human rights commissions, elections management bords, the business community and the civil society). The research activities that are intended to produce much-needed evidence are beset by a lack of funding. This is due to the resolve of the partner states to reduce the financial burden of the community and the liquidity challenges facing the community. For the last 4 years, the community has implemented a zero budget increment policy despite the increase in the recurrent running expenses for all the organs, including the assembly. To make the situation worse, even the funds budgeted for are not fully remitted (remittance of appropriated funds to the EAC has been at 70% on average over the last 3 years). This situation has compelled the assembly to prioritise recurrent expenses such as members and staff emoluments, committee meetings, and plenary sessions.

Despite the challenging situation, the assembly has made some efforts to address the problems in generating evidence:

Teamwork

Teamwork and consultation between the committee clerks and the Research Unit of the assembly help to identify priority research requests which are dealt with on the basis of first come, first served. Individual requests are served after all committees' research requests have been responded to. The support staff of the assembly also take advantage of the proximity of the various technical departments of the EAC secretariat (which is hosted within the same headquarters complex in Arusha) which enables them to gather secondary relevant information for the use of the assembly.

Engagement with selected stakeholders

When a matter is of particular interest for some organised stakeholders, such the business community, the legal community (the East African Law Society) or civil society organisations, their respective representatives would normally bring primary sources of information to assist them in their engagement with the assembly. There is, however, always the risk of succumbing to lobbying from those interest groups that the assembly must address whenever engaging with them. However, there is a need for the assembly to enhance and extend engagement to many stakeholders (including the think-tanks and other opinion leaders) by means of a formal stakeholders' engagement mechanism.

Outsourcing

Where the financial situation allows, the assembly enlists the services of hired consultants (mainly for the development of the strategic plan, except for the current 2019/2024 strategic plan which was developed by staff and selected members of the assembly).

Internal capacity enhancement

The assembly has also sought to address the issue of limited technical capacity by undertaking capacity enhancement for members and professional development for the staff. The office of the Clerk conducts an annual training needs assessment which informs the capacity-building activities which are undertaken in the course of the financial year. Enhanced capacity of members of the assembly reduces the pressure of research requests on the limited staff of the assembly.

Networking

The assembly has also facilitated networking activities for its staff to learn applicable best practices to improve their support services to the EALA. These activities include staff attachment to National Assemblies in the partner states for exchange of experience and sharing of information, joint training at the Kenyan Centre for Parliamentary Studies and Training (CPST), or at the African Centre for Parliamentary Affairs (ACEPA) in Ghana. Staff attendance at relevant specialised training events held by other international organisations has been arranged periodically.

To strengthen and streamline capacity-enhancement initiatives, the EALA has successfully enacted the East African Parliamentary Institute (EAPI) Act, 2012. The Act establishes the EAPI as one-stop-shop for training on parliamentary practices and procedures at the EAC region. It is a joint initiative with the National Assemblies of the six partner states. The EAPI was officially launched on 1 March 2019 by the EAC Speakers. It is currently hosted on an interim basis by the Kenyan Centre for Parliamentary Studies (CPST) in Nairobi. Preparations are underway to fully operationalise the EAPI starting in the 2020/2021 financial year. The functions of the EAPI include:

1. Providing training on parliamentary procedures and practices and thus widening and deepening cooperation among partner states in political, economic and social fields for mutual benefit;
2. Establishing a mechanism for capacity and skills development of lawmakers, parliamentary staff and other stakeholders in order to promote professionalism;
3. Promoting recognition and respect for parliamentary democracy in the East African Region and beyond;
4. Fostering the process of deepening and widening integration by providing an avenue for generating and disseminating knowledge on parliamentary procedures, practices and traditions; and
5. Establishing a forum which strengthens linkages with lawmakers in the East African Region and enhances collaboration with similar institutions in the African region and globally (Section 4 of the EAPI Act, 2012).

The EALA also plans to enhance its collaborative engagement with national think-tanks, academia in the partner states and other stakeholders for their contribution to evidence-based decision-making in the assembly and in other EAC organs and institutions. The implementation of this plan has been delayed by the lack of funds which the assembly intends to address through resource mobilisation from development partners.

Hindrance factors for use of evidence

A number of factors hinder the use of evidence in the EALA. These mainly include (1) the major political party dynamics in the partner states; (2) political predominance of the executive branches in policymaking in regional matters; (3) gaps in the oversight powers of the assembly; (4) inadequate public participation; and (5) partner states' interest dynamics.

Political party dynamics in the partner states

Political parties play an important role in the functioning of many parliaments at the domestic level (Olivier, 2011). At the regional level, studies on the European Parliament highlight the existence of three dimensions of party politics: the classic left-right dimension (which reflects the situation in domestic politics); government-opposition conflicts; and national and European party positions on European integration (Hix, Noury & Roland; 2006).

The situation is different for the EALA where members of the assembly are not directly elected by the people, political parties have no cross-border relations, there is no established party cleavage on regional integration, nor is there a space for pro-government–opposition conflicts in the functioning of the assembly. However, political parties exert a significant influence on members of the EALA which impacts on the way they use evidence. Through party alliances in the National Assemblies which function as constituencies or 'electoral colleges' for EALA members, the political parties control who can be elected at the regional assembly. Similarly, party alliances determine who will be rewarded with a second term in EALA. As already highlighted, political parties have even gone to the extent of seeking removal of members from EALA before the end of their tour of duty, a move which the assembly has successfully opposed thus far. It is often observed that for any sensitive issues for a given political party or party alliances in the partner states, members of EALA will not objectively consider the evidence provided to them. Therefore, the EALA electoral system gives much room for political parties' influence on the use of evidence by the regional assembly.

Political predominance of the executive branch in policymaking

The institutional set up within which the EALA operates is characterised by the predominance of the executive branch in policymaking. While the summit of heads of state (and each member of the summit) shares law-making powers

with the EALA, it is the summit which controls the result of the process through its veto powers. In practice, the assembly has passed several Bills for which the summit withheld assent.

Over the years, the veto power of the summit and the tension between the assembly and the council over the initiation of Bills (as discussed above) have deterred EALA members from initiating or passing Bills which are not supported by the Council of Ministers (as representatives of the national governments in EAC matters), irrespective of the available evidence.

It should be noted that the Council of Ministers had easier access to the summit than the assembly which has no formal mechanism of engaging with the summit, other than through the council. The latter prepares the background paper of the meetings of the summit to which it reports twice a year and has many other occasions to brief individual members of the summit through Cabinet meetings.

Likewise, the remunerations and other welfare package of EALA members are determined by the summit on the recommendation of the council. This is an additional tool available to the executive (council and summit) to influence the decision-making of the assembly.

However, despite the fact that the assembly is supposed to act independently without any instructions or orders,[17] it is still bound by the regulations, directives and decisions of the council in policy areas reserved for the jurisdiction of the council.[18] The assembly has been unsuccessful in invoking Article 49 (2) (d) which allows it to "discuss all matters pertaining to the Community and make recommendations to the Council as it may deem necessary for the implementation of the Treaty". Recommendations of the assembly are not exempt from the binding effects of council regulations, directives and decisions on the grounds that they are backed by evidence. It is worth noting that the reserved policy areas of the council include sensitive matters such as finance and administration of all organs and institutions of the community, including the assembly. By means of irrational policies, the council has succeeded in maintaining the assembly's financial and administrative dependency on the executive branch.

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17 Rule 3 (1) of the Rules of Procedure of the Assembly.
18 Article 16 of the Treaty.

Specifically, the council has maintained a skeleton administrative and staff support structure in the assembly despite the findings of independent studies calling for enhanced administrative support. There has also been disagreement between the assembly and the council over the zero budget increment policy and the directive of the council preventing the assembly from working on credit due to liquidity challenges.

It is important to note that the priorities of the assembly are largely determined by the Council of Ministers through the planning mechanism. The community action is guided by a 5-year development strategy, from which the assembly draws its 5-year strategic plan. From the strategic plan, the assembly develops annual operational plans to guide its annual calendar of activities. Much as the assembly enjoys independence in developing its plans, it has little say and no control over the EAC development strategy which is decided by negotiations between the partner states, through the Council of Ministers. In practice, the development strategy is developed through a participatory process involving various stakeholders but the final strategy is controlled by the Council of Ministers which is the policy organ of the community.

Gaps in the oversight powers of the assembly

As discussed above, the EALA exercises oversight function over the executive by means of a number of standard parliamentary oversight tools such as mandatory reports, budgetary oversight, questions, and resolutions. However, there are some gaps in its oversight powers which affect the use of evidence. These gaps are:

1. The implementation of the resolutions adopted by the House, on the basis of available evidence depends on the goodwill of the Council of Ministers. The ministers are political appointees, members of the national governments (and, in some partner states, also ex-officio members of the national parliaments) over whom members of the EALA have little influence. It does not have the power to move a censure motion or motion of non-confidence.
2. Due to the institutional set-up of the EAC, most of the resolutions of the assembly are addressed to the partner states (except those relating to internal management of the community which are addressed to the council). As is the case for recommendations addressed to the Council of Ministers, the assembly has no power or influence to compel any partner states to implement its recommendations.
3. The questions of the assembly to the council lapse automatically if they are not answered within the set timeline of 6 weeks (Gastorn, 2015, p. 31).

Inadequate public participation

The assembly is the only organ of the community established to promote the principle of people-centred cooperation in the EAC regional integration. The earlier section on citizen engagement in policymaking highlighted the various initiatives undertaken by the EALA to engage with the people it represents and take into account their views and concerns in policymaking.

Unfortunately, the level of public awareness on the EAC integration process remains low. Few people are able to express well-informed views for purposes of policymaking apart from the technocrats in the different government offices dealing directly with integration issues, the organised interest groups, and those who are involved in cross-border movement.

In addition, any outreach or field visit of the assembly is coordinated by a focal point officer of the ministry in charge of EAC affairs. The influence of the ministry in choosing the stakeholders to interact with the assembly, the sites to be visited and the timing of the visit may impact on the information which is provided to the assembly as evidence. This raises concerns, particularly in some partner states where free speech and political tolerance of opposing views remain restricted.

It has further been observed that in most cases, the reports of the assembly on the findings from fields visits are not shared with the stakeholders after their transmission to the ministry of EAC affairs. Likewise, the cooperation mechanisms established to engage with the national assemblies 'as constituencies of EALA members' and legitimate representatives of the people at domestic levels are not fully utilised due to funding challenges or other non-disclosed political issues which arise from time to time.

Partner states' interest dynamics

In the EAC context, the ministers who form the council act as the representatives of the interests of their respective countries while the assembly is intended to represent the people of East Africa (Gastorn, 2015, p. 30). In exercising its regional parliamentary mandate, the at Council of Ministers represents national governments while the EALA focuses mainly on the interests of people. This approach justifies why the council and the summit require the presence of all members and make their decisions on the basis of consensus while the assembly meets whenever one third of the elected members from each partner

state are in attendance and makes decisions on qualified majority basis. As a result, partner states' politics are expected to hold little sway in the assembly compared to in the council where each partner state can block any unwelcome policy decision by refusing to consent.

However, partner states' dynamics have made their way into the assembly, mainly from the inherent country representation system in the administrative structure and functioning system of the assembly. Through the rotational Speakership and the equal country representation in the commission and the committees, partner states periodically try to advance national interests or at least control the work of the assembly in areas where they feel the need for protection from regional parliamentary debate and action.

For sensitive issues, partner states may be able to determine whether or not the issue should be mentioned in calendar of activity of the assembly in its order papers, and which information to collect, retain or reject as evidence in the assembly debate. It is not rare for the EALA to lack a quorum in cases where some of its members walk out of the House to force adjournment of the meeting when a particular issue is debated – particularly issues that are sensitive to a partner state – irrespective of the evidence being given to support the decision-making. This practice is likely to undermine the democratic legitimacy of the assembly since its causes "distortion in the flow of influence from citizens to governments" (Natalia, 2016, p. 1).

The governments' influence on the work of the assembly is channelled mainly through the control of election and re-election of EALA members; interactions between the state House and the chairperson of EALA country chapter; or political careers in their home countries after loyal service at the EALA, amongst others.

National governments' influence is particularly evident in sensitive matters such as human rights violations, election-related disputes and violence, cross-border security threats between some partner states, and economic rivalry between some partner states. After blocking any decision of the Council of Ministers by means of the consensus decision-making requirement, the partner states involved seek to ensure that the assembly does not debate those issues while the grassroots movements are seeking appropriate intervention with the EALA as their representative.

Concluding remarks

The EALA adheres to the principle of evidence-based decision-making which is enshrined in many of its governing legal and regulatory instruments. It strives for evidence-informed regional legislation and oversight over of the executive branch of the EAC for the community to meet the expectations of the people it represents. Despite a number of constraints related to limited human resources, limited technical capacity, insufficient funding, political party politics, partner states' interest dynamics, and weak public participation, the assembly largely discharges its mandate on the basis of substantiated facts, owing to mitigation strategies it has adopted to overcome the challenges it still faces. The assembly continues to pursue its goal of reinforcing its capacity to generate and use evidence through networking with national think-tanks and academia. It also seeks to avail itself of potential benefits from the recently established East African Parliamentary Institute.

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3

GHANA: PARLIAMENTARY INSTITUTIONS AND IMPLICATIONS FOR EVIDENCE USE



Kirchuffs Atengble

Introduction

The Parliament of Ghana is a unicameral institution created according to the terms of the 1992 Constitution of Ghana, with provisions for the legislature in Chapter 10 of the Constitution (The Republic of Ghana, 1992). As with many other legislatures around the world, the functions of the Parliament of Ghana are legislative, oversight of executive functions (including financial control), representative (see Box 1), and deliberative. This case study discusses different dimensions of this vital institution of democratic government from the perspective of structures, processes, capacities and opportunities for evidence use.

Box 1: Popular representation and evidence use

There were 200 Members of Parliament (MPs) in 1992 and there are currently 275 MPs in the legislature. The MPs are the primary representatives of the people of Ghana in this national forum. The increase in numbers has been due to a corresponding increase in population, resulting in the split of constituency boundaries.

The constitution enables representation of the people through the contest of elections under the sponsorship of political parties, although constituency elections can be contested on an individual independent basis. This dual identity creates a dilemma for MPs, particularly in cases of highly contested issues of divergent interest to the political parties and the constituents being represented.

While not comprehensive, there are provisions in the Constitution (Article 104) to protect the voting decisions of MPs on some issues under consideration. Although the majority (55.5%) of MPs interviewed by the WFD (2019) had no problem with this provision for secret voting, there is a tendency for the legislators to conceal the sources of influence to their decisions – a phenomenon that makes it difficult to review and assess the influence of voting patterns (including evidence). The custom for voting according to the Standing Orders has remained by acclaiming 'Yeeee yeh!' or 'Noooo no!'

Its legislative functions are laid down in Article 93 (2) of the Constitution, whereas its oversight functions are expressed in various sections of the Constitution but are conducted through its committee systems, as laid down under Article 103.

Chapter 13 of the Constitution relates specifically to the control of the public purse in terms of the specific role that parliament is to play, and this includes taxation, authorising withdrawals, and monitoring the consolidated fund. The powers to deliberate on various issues within the legislative chamber constitute the final set of functions performed by the Parliament of Ghana, which are conducted through debates that reflect the prevailing conflicts within society at any particular time.

A brief background

This legislative institution began as a legislative assembly in the colonial days and has evolved over the years since independence in accordance with the provisions of the various constitutions. FES Ghana and HRAC (2011, p. 5) recall in that in 1850 when the legislative council of the British colony of the Gold Coast[1] was formed "to advise the Colonial Governor in enacting legislation".[2] It did not have the power to enact legislation and neither was the institution representative of the interests of the people. Representation evolved gradually through the succeeding constitutions until full representation was achieved in 1954, "which paved the way for self-government of Dominion Status in 1957" (FES Ghana and HRAC, 2011, p. 5).

Since independence, however, there have been four different parliaments empowered by four different constitutions of the republic.[3] They have all explored different structures, with the current (1992) Constitution emerging as a blend of the Westminster and American types of constitution. In the current system of parliament, the constitution requires that the executive appoints the majority of its ministers from within parliament (Legal Resources Centre and FES Ghana, 2006). The motivation for this was to prevent a hostile relationship between the two organs, a phenomenon that was experienced under the previous constitution (Asante & Debrah, 2015). This arrangement has been criticised as being a major source of institutional weakness in the Ghanaian legislature as it inhibits the application of the principle of the separation of powers (Oquaye, 2013). Some have also attributed the weaker position of

[1] Ghana was referred to as the Gold Coast in colonial days. At independence, the name Ghana was adopted after the former Ghana empire which existed in earlier times around the geographic locations of now Mauritania and Mali.

[2] For a further discussion of the Legislative Council, see https://bit.ly/3jGwJKf

[3] See Legal Resources Centre and FES Ghana (2006) for more discussion of Parliaments in Ghana under the four Republics.

parliament relative to the executive to the intermittent military interventions in governance, which all resulted in the dissolution of parliament (Darfour, n.d.). However, parliament retains the power to determine when to convene and how long each sitting should last but cooperates with the executive on the legislative agenda and when to dissolve without direct control from the executive. Evidence use therefore becomes compromised and instrumental (at best) in this relationship, with limited opportunity to critique or demand accountability from the executive.

Box 2: Supporting evidence processes through budgets

Supporting evidence use is a core function of the Parliament of Ghana. Each year, a budget is prepared by the budget officer (a dual role and currently the responsibility of the Director of the Research Department), taking into account costs associated with management and administration, parliamentary business and information support services.

Although some individual budget lines for management and administration (policy, planning, budgeting, M&E), and parliamentary business (financial oversight and parliamentary caucuses) have functions that could potentially enhance evidence use, core expenditure items dedicated to improving evidence use fall under the ambit of the information services support (ISS) programme line.

Specifically, budget lines are dedicated to finance operations of departments that support production, use and intermediation of evidence under ISS, including research, library, Hansard, ICT and committees. Apart from those, costing for specific initiatives that support improved use of evidence, including the e-parliament project, are included in the ISS programme budget line.

Programme-based budgeting was introduced to the Parliament of Ghana in 2015, following a pilot of the new budget approach during the period 2010-2016. Budgetary allocation to ISS has been dwindling since 2015, with an average of 1.24% being dedicated for direct evidence support initiatives. This is consistent with 2020 budgetary allocation of 1.23%. Actual expenditure has however been much less than budgeted for. In 2019, for instance, 60.0 % of funds were released, which has implications for expenditure lines for evidence use.

Although the budgets are prepared by parliament, they are subject to allocations made by the Ministry of Finance, since the constitution bars the legislature from undertaking any initiative (independently), with consequent implications on the consolidated fund which is managed by the ministry.

Such foundational issues give direction to the political economy for legislative functions in the country, as the executive arm of government has successfully extended its influence into the affairs of the legislature through the operations of party caucuses. Incidentally, elections held since 1992 have produced results that saw control of both the executive and the legislature by the two dominant political parties in their respective terms. In all instances, the minority had reason for rejecting certain initiatives from the executive but could not withstand its powers. This was due to the influence of the caucus system in parliament that makes any matter of reason (or evidence) less useful once party influences are activated. In tense engagements, contentious issues would be subject to voting, and the majority would ultimately have its way. Evidence and its use are the casualties of such situations.

Box 3: Summary of stakeholders to the Parliament of Ghana, and its capacity

Apart from the executive and the institutions operating under its administrative control, parliament has had to engage with Civil Society Organisations (CSOs), the media, academia, business organisations and associations, as well as with development partners. Deeper engagement with these entities for the substantive work of parliament has been mostly conducted through the committees of parliament. The functions of parliament within the general policymaking space become very constrained if this legislative institution does not have the necessary institutional resources to conduct its affairs. Generally, parliament has struggled unsuccessfully to maintain financial autonomy, as it still submits its budget to the Ministry of Finance, as is the case for any MDA under the control of the executive.[4]

[4] This situation remains despite passage of Act 763 (Parliamentary Service Amendment Act 2008), which demands that budget estimates from the Parliamentary Service should be returned to the legislature without revisions, although recommendations may be offered by the President.

Interestingly, it appears that this situation is unlikely to change in the near future as recommendations by the constitution review commission have suggested that the current practice be retained (Government of Ghana, 2011). The capacity to self-direct change initiatives is therefore constrained within the legislature, including those to enhance evidence use.

Prof. Mike A. Oquaye (2013) who is currently the Speaker of Parliament made six recommendations to correct the prevailing situation of power imbalance. Among the recommendations he made were that the hybrid system should be abolished thereby enabling MPs to 'vote according to their conscience' – this concurs with similar findings by the Constitutional Review Commission (Government of Ghana, 2011). Specifically, Prof. Oquaye recommends a return to a presidential system of government, similar to that provided for in the 1979 Constitution. None of the recommendations have been adopted, even after his assumption of the role of Speaker.

The electoral system

Ghana practices a first-past-the-post electoral system[5] for elections to the legislature, which differs from that of an absolute majority required for the executive (Electoral Commission of Ghana, 2004). The political party with the largest number of seats secured in the legislature constitutes the majority caucus, with the minority caucus going to the political party with the second largest number of seats. In 1992, for instance, when the ban on political parties was lifted making way for the return to multiparty democracy, 13 political parties registered to contest the elections, but a boycott by the NPP (which constituted the second most popular party at the time) led to the NDC taking control of 189 of the 200 seats in the legislature (Ninsin, 2016). Such total boycotts have not re-occurred, and the total number of seats increased to 230 in the 2004 elections and 275 in 2012 elections (Electoral Commission of Ghana, 2004).

While the foundational principles of the Ghanaian electoral system were laid by the 1992 Constitution, there are other related legal instruments that provide comprehensive direction on elections in the country. Among these are the Electoral Commission Act (451) 1993; Political Parties Law (Act 574) 2000; Representation of the People Parliamentary Constituencies Instrument

[5] First-Past-the-Post electoral systems are also referred to as Winner-Takes-All electoral systems.

(C.I. 78) 2012; and the Public Elections Regulations (C.1. 94), 2016.[6] With the power to manage elections, the electoral commission requires certain basic principles for Ghana's electoral system. These include universal adult suffrage (with the qualifying age being 18 years); annual registration of voters; voluntary participation in registration and voting; and secret ballot and voter identification (Electoral Commission of Ghana, 2004).

Political party structure and contests

Another major feature of the electoral system in Ghana since 1992 has been the emergence of political parties as corporate bodies recognised by the constitution to contest elections (although independent candidates are also allowed). Political parties mobilise resources to sponsor the campaigns of individual candidates that they regard as possessing the necessary qualities for victory. There are financiers who support the political parties by making contributions to the parties, particularly during the preparations for major elections. In return, these financiers have recouped their investments by the awarding of contracts awarded to them after victory, kickbacks on contracts facilitated, and political appointments (Abdul-Gafaru, 2017).

Parties have become much more organised with administrative systems across the country (also a requirement of the constitution), national head offices located in Accra and also regional offices. The NDC and NPP have research departments that provide research services to support work of their respective parties. Elite members in these parties are appointed to leadership positions across various MDAs (Ministries, Departments and Agencies) after they have secured victory, while previously unemployed 'foot-soldiers' secure jobs in public service facilities like tollbooths, public toilets, markets and lorry parks. This situation furthers the increasing trend of neopatrimonialism, as well as the marginalisation of some segments of society (including women, youth and the disabled) from the governance structures of society.

There is a vibrant political system in Ghana with competitive elections held every four years by multiple political parties for both the executive and the legislature. Despite this multiparty system, there is currently a de facto two-party system – with the NDC and the NPP emerging as the dominant political parties alternating power (every 8 years) both in the executive and legislature.

[6] For a comprehensive list of laws guiding elections in Ghana, see https://bit.ly/3bgoOPm

In the recent past, other smaller political parties including the CPP and the PNC[7] have been represented in the legislature at different times since 1992 (except in the 2016 elections). The huge cost of contesting elections has had significant implications on the equitable allocation of seats in the legislature among various groups in society. Despite efforts to regulate the operations of political parties, particularly through the regulation of their finances, efforts by the electoral commission have largely been unsuccessful with incumbency (by the party holding executive power) being taken advantage of in most instances. Darfour (n.d.) observes that smaller political parties have had to win seats in the legislature through alliances they formed among themselves or with some dominant parties. In the 2016 elections, however, all 275 seats were occupied by the NDC and the NPP, with the NPP achieving majority.

With such extreme levels of competition, the Parliament of Ghana records a high turnover rate for MPs. Tsekpo and Hudson (2009), for instance, report a turnover of close to 45% in the 2nd, 3rd and 4th Parliaments since 1992. The high stakes involved have forced the dominant political parties to actively recruit the most marketable candidates. Although some constituencies are considered safe seats by some political parties, competition is toughest for seats located in constituencies that are known to alternate their choices between different parties (known as 'swing seats').[8] Leadership in the House is considering various mechanisms (of affirmative action) to encourage representation of socially marginalised groups as the current level of competition is not conducive for the attainment of these ideals.

Other dimensions in party contests

Considering the competitive nature of elections as described above, and despite the 30% standard targeted by the Inter-Parliamentary Union (IPU) for female MPs, gender equity in the legislature has been disappointing. While the number of female MPs has increased, the growth has been very disappointing considering that the number of women has grown from 10 (5%) in 1992 to 35 (12.7%) in 2016 (Dzradosi, Agyekum & Ocloo, 2018). Following the demise of a sitting male MP who was replaced by his wife in a competitive election,[9] the

[7] NDC refers of the National Democratic Congress, NPP is the New Patriotic Party, CPP the Convention People's Party, and PNC the People's National Congress.

[8] Four regions in Ghana known to have emerged to be swing regions are the Greater Accra, Central, Western and Brong Ahafo regions.

[9] More perspectives on this by-election here: https://bit.ly/3vTaBBh

IPU reports 13.09% women MPs in the Parliament for Ghana.[10] The number of female candidates contesting parliamentary seats has grown from 23 (5.2%) to 137 (10.9%). These numbers are similar to those of other marginalised groups. To date, no persons with disability (PWD) have been elected to the legislature, and the youth representation (MPs under 45 years) remains at 28%.[10]

It must be acknowledged that design of the 1992 Constitution which makes contest of elections into the legislature on the sponsorship of political parties is for adequate organisation. The constitution provides for political parties to serve as the vehicle by which Ghanaian citizens and their constituencies are represented in parliament. However, it is evident that that political parties have managed to hijack the process of representation to the extent that in the event of conflicts the aspirations of ordinary citizens may be disregarded in favour of the interests of political parties. It is not surprising, therefore, to witness the growing apathy among the Ghanaian voting public. This growing apathy explains the disappointing performance of the NDC presidential candidate in the Volta region in 2016 during which the NPP secured one seat for the region despite it being considered a safe haven for the former incumbent.[11] The situation may be worse going forward, considering the disappointing performance of government on issues such as corruption and other socio-economic policies.

Heightened competition in the electoral system could potentially have proved useful for the representation of divergent views and interests. However, the model of first-past-the post increases the stakes at the expense of tolerance of multiple interests by candidates and parties. Such high stakes make the competition very risky, hence financiers are not willing to sponsor candidates who may be perceived as less desirable, although such candidates may represent a viable social group such as a community of disabled persons. As indicated earlier, the continuous exclusion of relevant social groups limits the perspectives that are brought to the deliberations in the House and this shortcoming affects the quality of evidence that informs deliberations. Were these groups to be represented (or their numbers increased, in the case of women and the youth), their representatives could advocate for parliament to secure the necessary evidence that would be useful for their causes and deliberations in the chamber. Interestingly, there is a Committee on Gender

[10] These statistics for Ghana were reported in February 2020. See https://bit.ly/2ZxNSyw
[11] See more on the reaction of the NDC in the Volta region after the 2016 elections here: https://bit.ly/3EmIPAi

and Children and a multiparty gender caucus in parliament that oversee all gender-related issues, but they have not been able to champion many issues related to use of evidence on the basis of gender.

Traditional leaders (e.g. chiefs and queen mothers) are not permitted by the constitution to contest seats in parliament (Higazi, 2004) as they are regarded as holding sacred positions and need to remain politically neutral in order to maintain the sanctity of their offices. As a result, the ability to raise concerns of relevance with these important stakeholders in local economic development (due to their control of land as custodians) is curtailed or, at best, may have to be championed by some other representative in the legislature.

Analysing political party dynamics

Internally in parliament, the operations of MPs (if not in plenary) are in committees and caucuses. There are currently 30 MPs (made up of 14 Standing Committees and 16 Select Committees), with an erstwhile Poverty Reduction Strategy Committee which was set up on an ad hoc basis. It is understood that an ongoing revision of the Standing Orders of Parliament will include a similar committee on the Sustainable Development Goals (SDGs).[12] The constitution requires that each MP should be a member of at least one of the Standing Committees and should, as much as possible, reflect the disparate opinions expressed in the legislature.[13] This suggests that each political party should ideally have a fair representation on committees in parliament.

Owusu-Mensah (2015) reported four major caucuses in the legislature in Ghana – party, gender, regional, and religious. Whereas party caucuses are generally better organised and resourced, others, especially regional and religious caucuses, do not receive similar organisational attention (Owusu-Mensah, 2015). The gender caucus, which was set up to promote women's presence in the legislature, has received various types of support in recent times to advance its operations. This support has mostly been from development partners, civil society organisations and the Ministry of Gender, Children and Social Protection (MoGCSP) (Salik, 2014). With the exception of party caucuses, therefore, engagements in all other groups, whether committees or caucuses, are multiparty oriented. This sets the tone for analysing political party dynamics within the legislature in terms of evidence use.

[12] This was hinted in a statement by the Majority leader https://bit.ly/3pPbgmnand confirmed through discussions with officers of the Parliamentary Service.
[13] Article 103 (Sections 4 & 3) of the 1992 Constitution.

Of the 36 women currently in Parliament, 12 (33.3%) represent the NDC and the remaining 24 (66.7%) represent the NPP, which is in sharp contrast to the numbers in the previous parliament – 16 (53.3%) for the NDC and 14 (46.7%) for the NPP.[14] The dynamics in strength of the two major political parties is evident as the highest number of female representatives are from the majority party. Owusu-Mensah (2015) observes that it is for some of these reasons that the gender caucus in the Parliament of Ghana is the smallest of the caucuses. However, he adds that beyond their work in party caucuses (to which researchers were recently assigned by the parliamentary service), other caucuses (such as gender) enable MPs work in a collaborative manner on specific policy issues.

The dynamics beyond party caucuses is however not always cooperative. There is poor cooperation among MPs in regional caucuses, as is evidenced by regions with heavy representation by one political party resulting in serious neglect of the opinions (on policy issues) from the lesser-represented parties (Owusu-Mensah, 2015). The Volta and Ashanti regions are typical examples of such cases of overriding dominance, where the NPP and NDC, have both been victims. The variations in composition of cross-party groups have proved detrimental for the comprehensive use of evidence as individual MPs have naturally aligned themselves with the ideals of their political parties, despite the opportunity to make constructive contributions (and enable objective discussions) in such settings. Parties with less representation are, therefore, less likely to be motivated to make evidence-informed and convincing arguments, since those arguments are likely to be rejected and/or ignored. This situation can largely be attributed to overarching party discipline.

The same dynamics prevail in the work of committees. Despite the faith expressed in parliament's contribution to anti-corruption efforts through its works in Finance and Public Accounts Committees, achievement of such goals is not easy (Asian Population and Development Association, 2018). Stapenhurst and Alandu (n.d., p. 19), for instance, reported the maneuverings in the Public Accounts Committee (PAC) by citing a statement made by a senior member of the committee, suggesting that "if the committee tried to investigate cases of 'grand' corruption, party discipline would be invoked to ensure that the majority [governing] party MPs on the committee would squash enquiries". This occurred in the midst of discussions based on the findings of the Auditor-General and testimonies from invited public officials. It is apparent that these

[14] Read more on these dynamics here: https://bit.ly/3mlYxW2

forms of evidence can be squashed in the face of an imminent threat to the majority political party. As such, all the successes of the committee are as a result of following up on 'petty [bureaucratic] corruption' (Stapenhurst & Alandu, n.d., p. 19). These successes have largely been due to a requirement by the constitution that chairperson to the PAC should come from the minority party, even though the committee does not have the power to enforce its recommendations (Draman, n.d.; Stapenhurst & Alandu, n.d.).

Party dynamics beyond the legislature

In the light of the overwhelming influence of political interest, it is interesting to review the dynamics of political parties outside the legislature, particularly in their contestation of seats in the House. Both the NDC and NPP have made significant contributions to the democratisation of politics in the country and have done so by adopting the recommended practices for the selection of candidates, either for parliamentary or presidential elections (Daddieh & Bob-Milliar, 2012). In more recent years, however, some of the practices have deviated from the norm, with aggrieved candidates taking drastic action against the interests of the parties, including contesting the elections as independent candidates against their own parties. For example, there have been attempts and affirmative action to encourage more women to serve in parliament. Filing fees for women aspirants were, for instance, discounted prior to the 2016 elections by the two major parties, and other measures were also considered such as women candidates standing for election in constituencies considered to be 'safe seats' or in which a woman was already serving as an MP (iKnowPolitics.org, 2017). While these cannot be regarded as typical democratic practices, they are necessary to promote gender equity, particularly as women have traditionally been hampered by socio-cultural hindrances that have disadvantaged them in election contests.

Daddieh and Bob-Milliar (2012) recall the earlier days of competition for parliamentary seats under the fourth republic, during which individuals had to be cajoled into contesting for the seats under the sponsorship of the respective major political parties. These practices were equally undemocratic but were necessary to launch a fledgling parliamentary institution. Over time, citizens and potential candidates have come to appreciate the need for these functions to build a flourishing democratic society. Contests have since become very competitive, to the extent that candidates employ every means possible –

lawful or unlawful, ethical or unethical – to beat the competition.[15] Measures are being instituted by both parties to forestall these incidences, including the expansion of the electoral college.[16]

Apart from each of the two dominant parties working to address problems of internal competition, both parties have participated in the Inter-Party Advisory Committee (IPAC), instituted by the Electoral Commission (EC) of Ghana to discuss differences in terms of the organisation and contestation of elections. By promoting innovations in the electoral system through IPAC, both parties have contributed to the success of competitive elections in Ghana. This national body serves as a forum for representatives of the parties to negotiate political change at national level. At the sub-national level, however, the absence of these structures results in potentially conflicting situations between the parties having to be negotiated by renowned opinion leaders and traditional authorities within the communities. Conflicts that escalate between the parties require the intervention of respected opinion leaders in society to address the issues. These measures are relevant because they provide an opportunity for addressing conflicts in a collaborative manner, instead of the conflict resulting in altercations and unrest on the streets. In 2012, following a claim by the NPP of election irregularities perpetrated by the NDC, the Supreme Court of Ghana was engaged to settle the impasse.

Patronage among political parties

There is a growing concern surrounding the cost of politics and the distribution of benefits from patronage within the Ghanaian society, as is the case in many other jurisdictions. A study by the Westminster Foundation for Democracy (WFD) (2017, p. 5) corroborates this when it reports that "party primaries, particularly those of Ghana's two main political parties (the NDC and NPP) are very costly affairs". Ichino and Nathan (2013) concur, stating that party members at the community level are seemingly unconcerned about the policy proposals by candidates for parliamentary elections due to the perception that the policies ultimately have limited influence on policy decisions taken by the ruling government. These two factors result in the prospects for success within each party being more likely for the candidate with the greatest resources.

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[15] A thorough discussion of the security implications of elections in Ghana is discussed here: https://bit.ly/3CnskU3

[16] See news on expansion of electoral college for the NDC here: https://bit.ly/3bgrnks and for the NPP here: https://bit.ly/3BojYtO

Unfortunately, the monetarisation of politics serves to exclude a large number of people, even though they may potentially be better positioned to represent their community.

Election as an MP results in significant benefits, including improved career prospects and business opportunities, favourable loans on new cars, annual salaries of approximately USD24 000, control of at least USD43 000 annually in funding for constituency development projects, and potential appointment to a ministerial portfolio (if their party is in government) (Ichino & Nathan, 2013). These potential benefits motivate individual MPs to win a seat in parliament. This culture of patronage is deeply etched in the body of politics, making parliamentarians focus on recouping their investments rather than on seeking to advance the cause of socio-economic development of his/her constituents. With an entrenched patronage culture, there is little motivation[17] to seek for and make use of quality evidence in any policy discourse.

It is clear from the discussion in this section that MPs in Ghana commonly operate in a context of patronage (irrespective of the political affiliation) which can generally be attributed to the contest within these parties (Ichino & Nathan, 2013). Their focus in the political contestation of seats in parliament is strongly influenced by this system of patronage and this carries through to their work within the operations of the legislature where it is seen that they submit to party disciplines rather than serving the interests of the members of their constituencies. These dynamics have significant influence on the extent to which they engage with evidence and, even if they had the will to do so, to respond to incentives to use evidence in the course of their work. In this situation individual MPs have limited interest in consulting the available evidence to inform their independent arguments, preferring instead to simply rely on party discipline to inform their positions on such issues.

It is anticipated that ongoing reforms to enhance the level of representation in the legislature and political parties will provide the necessary freedom for interested MPs to make their own choices if they choose to do so. It is expected that an increasing use of evidence will nurture a culture of cross-party collaboration and consensus, as has been experienced by the political parties at the level of IPAC and when settling disputes. Party overtures should not be

[17] This remains the case with respect to motivation for evidence use even though MPs were found by Telli and Atengble (2017) to be motivated solely by the confidence that arises as a result of their use of research.

the defining features of discourse within the legislature, as is currently the case. Individual MPs should be able to present cases on policy issues that may not be consistent with the aspirations of their political parties. Unfortunately, this scenario appears to be a distant reality given the current climate in the chamber.

Parliament of Ghana: The organisation

The institution of the Parliament in Ghana has evolved over the years, as is reflected in the constant revisions in the structure of the organisation and the different responsibilities that have been assigned to different units within the institution. Figures 3.1 and 3.2 illustrate the changes that have occurred between the former and current organograms of the organisation. The information is drawn from the strategic plans of the organisation – one that expired in 2016 and the current plan that runs from 2020-2024.

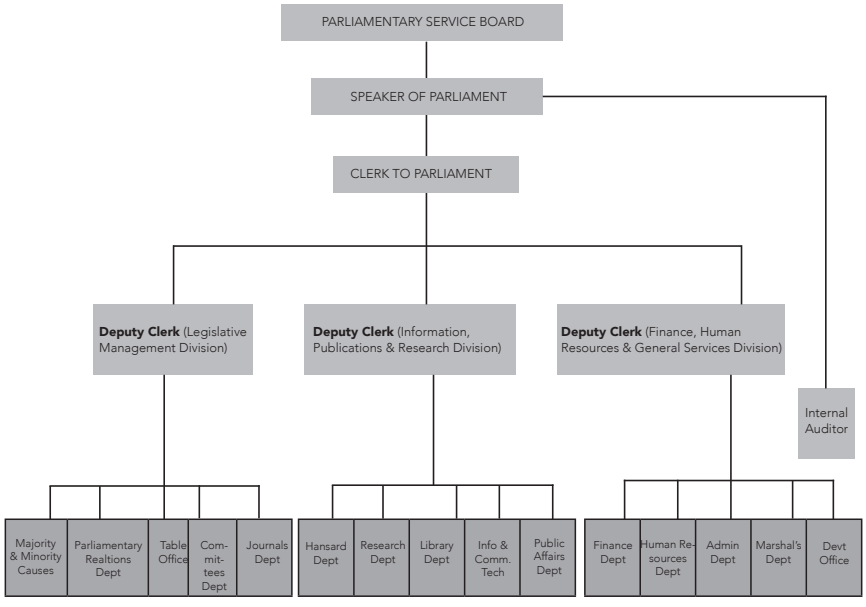

Figure 3.1 Comparison of organograms for the Parliament of Ghana

As can be seen from in the comparison in Figures 3.1 and 3.2, the structure of parliament remained much the same at the top level of the hierarchy – Parliamentary Service Board, the Speaker, Clerk to Parliament, and Internal Audit – where their levels and relationships remained the same. However, there were changes at the next level of organisation – although there remained three divisions that were headed by Deputy Clerks to Parliament.

In the earlier organogram, the three divisions were the Legislative Management Division, Information, Publications and Research Division, and Finance, Human Resources and General Services Division (with administrative division, distinct from the other technical divisions). In the current organogram, the first two divisions (as appear in the first organogram) have been combined, with a new division created for Committees and ICT. It is currently unclear[18] what prompted these changes but an obvious difference appeared to be the objective of emphasising the work of committees in a whole division. The administrative role of the third division is made clearer in the new organogram, as is reflected in its name change to Finance, Administration and General Services Division. The two technical divisions will therefore be expanded upon in this section.

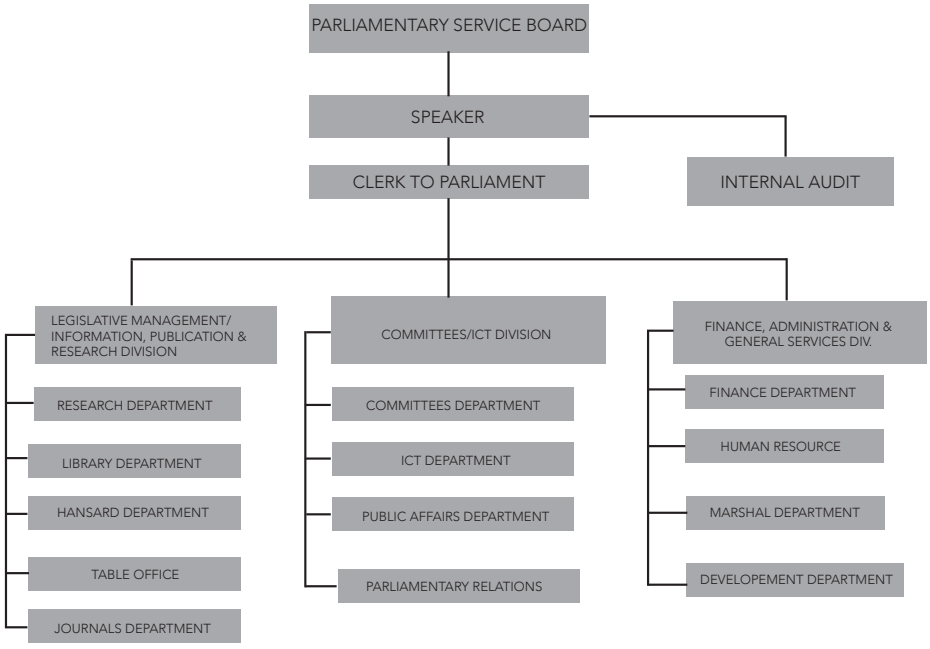

Figure 3.2 Organogram for the Parliament of Ghana: 2017

Legislative Management, Information, Publications and Research Division

Under the umbrella of the new Legislative Management, Information, Publications and Research Division, there are five departments – Research, Library, Hansard, Table Office and Journals departments. The Research

[18] This is unclear because the new strategic plan has not yet been out-doored, hence content of the document is not publicly available. There's reliable information however that the strategic plan remained the same as was revised in 2017 (which was confirmed from 2017 publication from the Hansard).

Department is charged with the responsibility of aggregating available evidence (from all sources) for use mostly by MPs. Staff of the department are generally the first port of call for any request for evidence. Amanfo (2007) reports on how under-resourced the Research Department has been over the years. Since 2014,[19] the department has had to work with about 11 staff, comprising 7 male research officers, 3 female research officers, and a female administrative officer This limited number of people have served the evidence needs of about 40 committees and 275 members of parliament. Indication was informally received in February 2020 that 17 additional staff would be recruited to the Research Department.

The Library also falls under the Legislative Management, Information, Publications and Research Division. It houses all the knowledge resources of parliament, including collections of books, reference materials and Hansards (official reports of parliamentary debates), order papers, reports from various committees and organisations, periodicals, journals, newspapers, theses, press releases and speeches. There are 8 staff members in the Library, – 4 female library professionals, and 3 male library professionals, and a male administrative officer. The department used to operate from a very small room in the Chamber block but was relocated in 2017 to the newly completed Job 600 building where there is enough space to display the library collections. The departmental challenges reported earlier (see Anning, 2008; Stapenhurst & Alandu, 2009) have largely been resolved. A major challenge that remains is the limited subscription of the institution of parliament to relevant electronic resources that could potentially be useful to specialised committees.

The Hansard department is the unit responsible for capturing the official records of near-verbatim discussions by MPs, either at plenary or in committee meetings. A count of 59 staff (30:29 male to female ratio) for the department was recorded in an official report at the beginning of 2017, although 10 staff members were classified as editors and 23 as reporters. These two categories of staff perform functions that relate to the capturing and adequate presentation of discussions by MPs. The remaining staff members perform functions related to typesetting (6), proofreading (4), printing (9), marketing (2) and secretarial services (5). They have operated from federated cubicles and offices within

[19] This was the case in 2014 when the author had started engaging with the department and has remained so even in 2020, although Allah-Mensah (2005) reported an equal gender equality ratio (5:5).

the chamber block of parliament, with very limited space for staff to work in. This has however not hindered the work output of the department, as they consistently produce quality reports of all official gatherings. Their work output (the official publication) is available in printed bound volumes at the library, and also via the parliamentary website as publications of each day's activities.

Officers of the Table Office moderate activities in the chamber (during plenary) related to the Speaker of Parliament. For instance, when MPs want to ask questions in the House, texts of those questions are 'tabled' to the Speaker through the Table Office, where the questions reviewed and minuted to the Speaker to be addressed.[20] There are 9 officers in this department, made up of 4 male clerks and 2 female clerks, as well as 3 secretarial officers (1 female and 2 males). Similarly, the Journals department (staffed with 2 male clerks) is responsible for keeping a journal on matters of precedent in the House. It also disseminates information relating to the functions, practice and procedures of parliament to relevant internal audiences.[21]

Committees and ICT division

Four departments are identified under this division in the current organogram of the Parliament of Ghana – Committees, Information and Communications Technologies (ICT), Public Affairs and Parliamentary Relations departments. The Committees Department serves as the secretariat for all committees on which MPs serve for the work of the legislature. The core activities and structure of committees will be explored further in the next section – the structure of the secretariat follows in this section. The Secretariat for Committees is housed in an office located in the New Administration Block of parliament, with secretarial and administrative staff of 21 (20 females and 1 male). There are, however, 25 clerks (of varying grades) that are assigned to different committees (more than 30) to perform clerical duties (and also to represent in the chamber). This corroborates reports by other reviewers, including Stapenhurst and Alandu (2009), that the department lacks critical resources including meeting spaces, offices, human resources and other material resources.[22]

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20 This was reported in an earlier review of the Information Support System at the Parliament of Ghana under the VakaYiko project by INASP and GINKS. See https://bit.ly/3nFoxew

21 Little has been published on the Journals department, but see some budget-related reference by the Ministry of Finance here: https://bit.ly/3vU745P

22 The situation has not changed much for Committees. Compare with an earlier review here: https://bit.ly/3nFoxew

The ICT department is staffed by 36 professionals, 15 of whom are receptionists. Apart from 2 other officers (1 male and 1 female) to perform secretarial services, there are 19 officers (16:3 male to female ratio) to provide technical services that include hardware, software and networking support services to all the staff of the legislature. With an ongoing digitisation process through the electronic parliament (e-Parliament) project, the ICT department is the lead department spearheading the installation of all infrastructure and equipment, as well as the development of all policies relevant to the functioning of the system.[23] With regard to the evidence ecosystem of parliament, the ICT department manages the communication media (website) and the internal electronic file sharing system and e-mail servers. With these facilities in place, requests for evidence as well as the sharing of the evidence after it has compiled, and distributed among producers, mediators and users – internally and externally. Together with the Public Affairs Department and Audiovisuals Unit, all electronic records (video and audio) are created and distributed across the various media.

As has been explained in the previous discussion, departments of the parliamentary service in Ghana are mostly under-resourced – particularly in terms of to human resources and office space in which to work. This situation is largely due to parliament not being in control of its own finances. The constitution requires that the institution prepares and submits its budget to the Ministry of Finance for review, as is the case with other MDAs. With this limited control over the finances of its own operations, the institution cannot facilitate its many developmental initiatives. This explains the amount of time it has taken, for example, for the Research Department to motivate for recruiting 17 additional staff members. This situation of limited financial control is likely to endure for the foreseeable future. Parliament will, therefore, remain reliant on technical and financial support from other partners, including development partners and CSOs, to be able to produce and use evidence so that the requisite knowledge resources are available for the functions of the legislature.

Committee formation in parliament

As a result of the extensive composition of the House, the detailed work on parliamentary functions are performed at the level of committees. The core work of committees in the Parliament of Ghana is to conduct detailed examinations of Bills that are introduced into the legislature, and also to investigate matters

[23] Read more on the project from the Programme Based Budget from the Ministry of Finance: https://bit.ly/3bhs6lp

that are of a complex and complicated nature outside the chamber (extending even beyond the executive).[24] This explains why committees are formed and provides justification for the allocation of MPs and support staff to committees.

Table 3.1 Committees in the Parliament of Ghana

Standing Committees	#	M	F	L	Select Committees	#	M	F	L
Appointments Committee	26	21	5**	P	Communications Committee	18	14	4	P
Business Committee	20	15	5**	P	Constitutional, Legal and Parliamentary Affairs	18	17	1	P
Committee of Selection	19	14	5*	D	Defence and Interior Committee	18	15	3	P
Finance Committee	25	24	1	P	Education Committee	20	18	2	P
Gender and Children Committee	25	15	10***	P	Employment, Social Welfare & State Enterprise	20	16	4	P
Government Assurance Committee[25]	25	22	3**	P	Environment, Science and Technology Committee	18	14	4**	P
House Committee	26	22	4	P	Food, Agriculture & Cocoa Affairs Committee	20	18	2	P
Judiciary Committee	18	17	1	P	Foreign Affairs Committee	20	17	3	P
Members Holding Offices of Profit	25	23	2**	D	Health Committee	19	17	2	P
Privileges Committee	31	28	3	P	Lands and Forestry Committee	18	17	1	P
Public Accounts Committee	25	24	1	D	Local Gov't Rural Development Committee	20	19	1	P
Special Budget Committee	21	19	2	P	Mines and Energy Committee	18	16	2**	P
Standing Orders Committee	20	14	6**	P	Roads and Transport Committee	18	16	2	P
Subsidiary Legislation Committee	25	25	-	D	Trade, Industry and Tourism Committee	20	18	2	P

[24] Some of these functions and more are touched upon by the Programme Based Budget from the Ministry of Finance: https://bit.ly/3bhs6lp

[25] The UNDP and Inter-Parliamentary Union (2017) argue that Parliamentary Committees on Government Assurances (CGAs) represent an attempt to plug the gap in commitments made to parliament by Ministers without mechanisms to monitor whether those undertakings are implemented.

Table 3.1 Committees in the Parliament of Ghana (continued)

Standing Committees	#	M	F	L	Select Committees	#	M	F	L
Ad hoc					Works and Housing Committee	18	16	2	P
Poverty Reduction Strategy Committee	20	18	2	P	Youth, Sports and Culture Committee	18	16	2	P
* Female MP is Chairperson for the Committee ** Female MP is a leader in the Committee apart from Chairperson *** More than 1 female MPs are in the leadership of the Committee					P – Committees chaired by MPs from the NPP D – Committees chaired by MPs from the NDC				

In the first instance, the constitution provides that each MP should be a member of at least one of the Standing Committees in parliament. With 275 MPs serving on 14 Standing Committees in parliament,[26] there is an average of approximately 20 MPs in each committee. An average number of 20 committee members seldom occurs in practice, however, as the committee with the fewest members is the Judiciary Committee (with 18 members), and the one with the highest number of members, the Privileges Committee, has 31 members. The membership of Select Committees, however, ranges from 18 to 20 MPs. Table 3.1 provides a summary of committees in the Parliament of Ghana.

As mentioned previously, the membership numbers in committees range from a minimum of 18 MPs to a maximum of 31 MPs (Privileges Committee). Ten committees fall within the category of committees with fewest numbers and these are the Judiciary Committee; Communications Committee; Constitutional, Legal and Parliamentary Affairs Committee; Defence and Interior Committee; Environment, Science and Technology Committee; Lands and Forestry Committee; Mines and Energy Committee; Roads and Transport Committee; Works and Housing Committee; and the Youth, Sports and Culture Committee. It can be seen from Table 3.1 that female representation in committees is low except in the Gender and Children Committee, which has ratio of 15:10 male to female MPs. At the time of writing there was no female representation in the ad hoc Poverty Reduction Strategy Committee.

[26] There are a total of 31 Committees in this current Parliament, crosschecked from the Website of Parliament: https://www.parliament.gh/committees

Table 3.1 also shows that the position of chairperson within the leadership in each of the Select and Ad hoc Committees was reserved for MPs from the NPP, which forms the majority caucus in the current parliament. In the Standing Committees however, MPs from the NDC (forming minority caucus) hold the chairperson portfolio in 4 committees – Committee of Selection; Members Holding Offices of Profit; Public Accounts Committee; and the Subsidiary Legislation Committee. Only 1 committee was chaired by a female MP – the Committee of Selection – on which she represents the minority caucus.[27] There were other committees that had female MPs in leadership positions (either as vice chairperson, ranking member or deputy ranking member) serving alongside another MP who was chairperson. There were 7 such committees including the Appointments Committee; Business Committee; Government Assurance Committee; Members Holding Offices of Profit; Standing Orders Committee; Environment, Science and Technology Committee; and Mines and Energy Committee. Only 1 committee had more than 1 female MP in leadership positions, and this was the Gender and Children Committee.

The process formation of committees, apart from being guided by the constitution, is subject to the Standing Orders of the legislature,[28] which also provide direction on all other matters related to the operations of the committees. It is clear through the analysis provided in Table 3.1 that formation of committees is also informed by the party caucuses to which MPs belong (either majority or minority) as well as gender considerations. The constitution suggests that, as much as it is possible, the composition of committees should reflect the diverse opinions in parliament. These provisions were found not to have been violated in the current parliament. Evidence of affirmative action can clearly be seen in the allocation of leadership positions in committees, as female MPs (at least) were in leadership roles in a number of committees.[29]

Apart from MPs, committees are supported by staff of parliament, including a Clerk and a Research Officer. As a result of the limited number of staff, however, these support officers must provide services to multiple committees, stretching

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27 It would be useful to assess the performance of such a committee that has Chairperson from a double a minority, comparative to other Committees. Bu that kind of assessment goes beyond this current exercise.

28 Similar to the Ad-Hoc committee on Poverty Reduction Strategy, there is reliable information that a new Committee on the Sustainable Development Goals (SDGs) will be introduced in the new Standing Orders.

29 This assertion is made based on a comparison of the absolute number of female MPs in the larger legislature and their proportion of leadership positions occupied within committees.

their services beyond the recommended standards. Stapenhurst and Alandu (2009) report that 3 or 4 support staff are available to each committee, including those from research and committee clerks. To compound the situation, there are inadequate meeting rooms, resulting in some committees having to share their meeting rooms with others. These challenges do have serious effects on the performance of committees in the Parliament of Ghana, particularly in terms of the extent to which evidence can be used in discussions. The next section provides information on the technical capacities available to legislators in practice.

The parliamentary support function: Technical capacity and practice

There is no doubt that technical competencies are available for evidence use in the Parliament of Ghana (and across its sub-groups) as in many other legislatures globally. This is explored in the context of an evidence ecosystem, comprising producers, intermediaries and users of evidence within the legislature. Studies by Telli and Atengble (2017) explain that the producers and users of evidence include departments of the parliamentary service of Ghana which deal with the supply of evidence by MPs (Research; Library; ICT; Hansard; Committees; Table Office; Journals; and Public Affairs departments).[30] Since 2016, these departments have worked in a coordinated manner and have chosen to refer to themselves as the Inter-Departmental Research and Information Group (IDRIG). Although not formally recognised within the organisational structure of the parliamentary service, this grouping of departments has engaged in many activities since they initiated this collaborative approach to work. They have a steering committee which is made up of directors from the different departments as well as technical committees that undertake specific initiatives that will be decided on by the steering committee.

Apart from IDRIG, other members of the evidence ecosystem in parliament include MPs themselves and their Research Assistants. Research Assistants for legislators in Ghana is a new staff category that was introduced by the current House. Prior to its introduction, however, MPs relied on support from individual departments of IDRIG for the supply of evidence. Research Assistants were not introduced to replace existing support from IDRIG departments but to complement it. With support from the WFD for instance, IDRIG staff conducted

[30] Same departments as have been discussed earlier in this paper.

training[31] for the newly recruited Research Assistants for MPs. Unfortunately, some MPs failed to strictly apply the recommended criteria for selection of these personnel,[32] with the result that some Research Assistants were unable to competently deliver the services expected of them. This problem occurred during the initial years of this initiative but it is expected that the quality of service will improve over time when MPs are more thorough in their hiring practices and engage the services of suitably qualified persons as Research Assistant.

In addition, during engagements of IDRIG departments with MPs (for instance during the Research/Evidence Week[33] celebrations) it was realised that many MPs did not know about the existence and/or location of some of the departments of IDRIG. Leadership of IDRIG has therefore resolved to promote awareness of their services within their community, especially to MPs. This led to the development and launch of a service charter in 2019 when IDRIG partnered with PACKS Africa[34] and the Africa Evidence Network to hold the Africa Evidence Week.[35] Following the launch of the document it remains unclear to what extent the conditions in the service charter have been adhered to. Extensive M&E systems would have to be in place to track the progress of promoting the use of evidence within the legislature.

No dedicated budget office

The Parliament of Ghana has been challenged by the absence of an office dedicated to scrutiny of budgets, similar to those that exist in legislatures such as Kenya, South Africa and Uganda. In the absence of a dedicated unit to support the Finance Committee on this specific oversight function, the Research Department has had to fulfil this role in the interim. This situation does not auger well for the legislature of a functioning democracy – as Ghana

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31 Training centred on skill development like producing budget and policy briefs, infographics, etc. Many more competencies for interpersonal skills in evidence use, producing evidence synthesis, advising policymakers, and engaging with citizens and stakeholders may be required.

32 This was the situation with a good number of MPs, since they preferred to engage the services of family members and close associates, due to the high culture of patronage in the country.

33 The first two sessions of these events were supported by WFD, and is referenced in their annual report here: https://bit.ly/3pIQDbp

34 PACKS Africa is a think tank that provides capacity development support on evidence-informed policy making (EIPM) to government agencies in Africa from the perspective of information systems and knowledge management. Visit https://www.packs-africa.org/ to read more about them. They have been supporting the Parliament of Ghana since 2017.

35 The Africa Evidence Week celebration was held in September 2019 to showcase and promote the state of EIPM on the continent. A total of 132 people participated from within and outside Parliament, and they worked in public sector, civil society, academic institute, private sector, media, and research institutions.

has been described.[36] The legislature remains highly dependent on institutions of the executive for many resources that could have been obtained had the necessary financial autonomy been granted. As indicated earlier, budgets from the legislature currently need to be submitted to the Ministry of Finance – a requirement that weakens the autonomy of parliament as an independent institution of state. Many initiatives in the legislature are therefore funded with support from development partners and CSOs.

Change management issues

Apart from capacity, there is also the issue of conflicting practices. For instance, while it is expected that the e-Parliament project currently being implemented by the ICT department will transform operations in the House to a large extent (hence making evidence largely available), MPs and other staff of parliament are not keen to make use of these resources. A recent study on Open Government Partnership (OGP) for WFD confirmed that MPs lacked motivation to use their official email systems and social media accounts, despite the potential usefulness of these platforms to drive institutional memory, particularly on access to and use of evidence. This indifferent attitude could potentially derail the project and reduce its intended utility in the business of the legislative. A conscious effort to secure the interest and buy-in of MPs is essential in this regard.

Extra hands are available

Finally, in terms of the technical capacity for delivering support services to MPs, the Secretariat of the National Service Scheme (NSS) posts service personnel in their hundreds to provide 10-month pre-employment service to the legislature. These staff are mostly sent to help with work in different departments, and the departments of IDRIG have received many of them – particularly Research, Library and Public Affairs. However, the parliamentary service has not managed to make good use of these available human resources, despite their prevailing resource limitations. In the OGP study for WFD, staff of the Public Affairs Department acknowledged the need to return to their former practice of working with NSS personnel posted to their department from the Ghana Institute of Journalism (GIJ) to create news from the institution that would be published on the (now less active) website of parliament.

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[36] To understand the value of a budget office, read this article on Ugandan Parliament: https://bit.ly/3BoOlAH

In essence, despite the existing capacities in the Ghanaian legislature[37] for production and use of evidence, the prevailing limitations on human and financial resources constrain the ability to fully meet MPs' demands for services to assist in their work. Affected departments may also fail to make use of the complementary opportunities available to support existing resources. MPs (and, by extension, committees) are, therefore, compelled to rely on their own expertise in cases when there is a pressing need for evidence as well as to access resources from alternate sources such as research and academic institutions and think-tanks. The next section explores the wider evidence ecosystem for the Parliament of Ghana, as well as networks that support the evidence functions of the legislature.

The evidence ecosystem beyond parliament, networks and other innovations

Tsekpo and Hudson (2009) report that while parliament (and its committees) does make use of expert inputs from CSOs during the legislative process, such use has been somewhat limited. They cite examples of evidence use with the support of information from reports produced by organisations such as HIPC Watch[38] and the Ghana Integrity Initiative (GII), which are read by individual MPs. It was noted, however, that the information provided was rarely considered by committees or the plenary of parliament for further investigation. Similarly, the Friedrich Ebert Foundation (FES Ghana) has expressed frustration on the poor use made by MPs of the evidence supplied to them (as briefing papers) through their pigeonholes, despite the effort to make relevant facts available to the Mines and Energy Committee.[39] These accounts are representative of the availability of support to parliament for improved evidence use when performing its functions.

The external evidence ecosystem accessible (freely or on demand) to parliament (and its committees) includes publications from within the formal government system – statistical and census data from the Ghana Statistical Service (GSS);

[37] In the study by Telli and Atengble (2017), a significant relationship was reported between the level of education of evidence users in Parliament and their perception that they had adequate capacity for research uptake. This is confirmed by an observation of highly educated staff in the Parliamentary Service of Ghana, with officers of the Research department for instance wielding Masters Degrees in their respective portfolios.

[38] The Ghana HIPC Watch (GHW) project was led by SEND Foundation in partnership with Oxfam-UK, CORDAID Netherlands and Christian Aid-UK/I. It was an inclusive project of CSOs working in the northern regions of Ghana to share their experiences in monitoring and evaluating HIPC funded projects and programs.

[39] This frustration was expressed in a recent interview on Wednesday, 13 November 2019.

economic data from the Bank of Ghana; and Annual Progress Report (APR) from the National Development Planning Commission (NDPC). Evidence for parliamentary function is also sourced from private research institutions and academic think-tanks such as the Institute for Statistical, Social and Economic Research (ISSER); the Ghana Centre for Democratic Development (CDD Ghana); and the African Centre for Economic Transformation (ACET). ISSER, for instance, releases the State of the Ghanaian Economy Report, which is highly regarded by political actors across the political divide. Evidence for the use in the various functions of parliament is also available through the works of facilitators (such as the SDG and the OGP initiatives, as well as development partners) and intermediary organisations such as CSOs, business associations and the media. All the actors within the ecosystem provide evidence support to the legislature, acknowledging the difficulty in self-procuring evidence by the institution. Although such evidence may not be devoid of interests, beliefs and ideologies, non-use of the evidence is very frustrating to the institutions producing the information, particularly as no alternative is offered by the legislature.

Perceptions and trust in evidence

From a recent Political Economy Analysis (PEA) conducted on the evidence ecosystem in Ghana, mistrust emerged as a challenging issue. Political actors (including those in parliament) were found to prefer evidence that they had personally requested, and there was a high tendency to reject evidence supplied to them in anticipation of evidence needs, particularly when they disagreed with existing arguments. This was found to be the case for evidence supplied by government establishments like the GSS, and private research institutions and academic think-tanks like ISSER. In the same analysis, interviews conducted with the African Centre for Energy Policy (ACEP) suggest that political actors call for evidence when their political parties are opposed to the views of the ruling party as they seek to arm themselves with alternative evidence to discredit the ruling party. This ill-defined and selective approach to evidence use stems from the prevailing culture of political patronage which is a significant obstacle to the sustained and systematic use of evidence within the legislature. There is a clear need for consensus building on the quality of evidence produced from different actors, either internally or externally.

In the study conducted by Telli and Atengble (2017), the more educated producers of evidence within the Parliament of Ghana were reported to have the view that while members of CSOs and the general public had a negative perception of the work done by IDRIG, they seemed unconcerned about the perception. The lack of concern about the situation effectively derails any efforts to address this challenge, as it is evident that users of evidence in the institution do not share the view of the more perceptive evidence producers. There appears to be little internal motivation to resolve the prevailing evidence-related challenges within the institution. It is ironic, however, that in the same study evidence users suggest that challenges associated with accessing evidence and its communication was a demotivating factor for their use of the resources. This is viewpoint is highly implausible, considering the extreme frustration of CSOs and the general public with the current evidence support system in the House which could be improved to provide a valuable platform for evidence to support the demand for reforms.

Conclusion: Opportunities for institutional development

The prevailing attitude is not conducive to change within the ecosystem of parliament, particularly for agencies who shoulder the responsibility for driving reforms in the House. In cases where partnerships have succeeded in implementing change initiatives, these have been short-lived.[40] It is not surprising, therefore, when partners to the legislature on evidence-related matters shy away from these initiatives.[41] This is not to suggest that these partners have no interest in providing further support to the legislature, but rather that the partners are disinclined to do so due to the inertia displayed by the institution of Parliament. To re-ignite the desire to help improve the evidence ecosystem, leadership in the legislature may have to demonstrate commitment to sustaining the changes that are introduced. The recent study on OGP for WFD recommended that reform initiatives may need to involve both political leadership and the administrative system (staff) (WFD, 2019). Among other factors necessary for reform are the requisite levels of technical capability;

[40] Templates co-developed by PACKS Africa with the Research department for giving evidence resources produced by the latter a unique identify were discontinued within months after they were used for an exhibition.

[41] This subject had come up several times in a Parliamentary Support Coordination group that used to be convened by the WFD. Represented in that forum, apart from the convener, were the European Union, GIZ, STAR Ghana, UNDP, Christian Aid, NRGI, ACEPA and PACKS Africa.

insulation from patronage politics; incremental approaches to reform, building on cumulative success over time; and creating pockets of effectiveness that can serve as a model for reform.

This notwithstanding, parliament continues to attract new partnerships to enhance evidence use. A baseline study by UNDP (2015) made certain interesting observations on the subject. The primary relationship between the NDPC and parliament on evidence use was highlighted, and insights were provided on the use of evidence, including that M&E results which are fundamental for good governance and for sound policy formulation and decision-making are limited in Ghana as there is no demand for M&E results by parliament or civil society. The current situation is that the NDPC produces annual APRs and lodges them with parliament for its use. A challenge faced by government is the need for near-real-time data on programmes which the NDPC is not equipped to provide. As a result, government created a parallel ministry of M&E to supply urgent data for its evidence needs but parliament is currently unable to fulfil this mandate.

Also highlighted by the baseline study was the availability of professional organisations to provide support to government agencies, including parliament, on the use of evaluation evidence. These include the Ghana Monitoring and Evaluation Forum (GMEF) and the Ghana Network of Independent and Professional Evaluators (G-IPEN). Beyond these national organisations, there is also evaluation support from APNODE,[42] AfrEA[43] and CLEAR-AA,[44] which are all regional organisations providing support to African parliaments on evidence use. There was a declaration (Yaoundé Declaration of African Parliamentarians on Evaluation) that was signed by parliamentarians from Ghana[45] in 2014 to

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42 APNODE is the African Parliamentarians' Network on Development Evaluation, which is dedicated to the promotion of development evaluation as a pillar of parliamentary oversight and policy making.

43 AfrEA is the African Evaluation Association, which was founded in response to a growing demand for information sharing, advocacy, and advanced evaluation capacity building in Africa.

44 CLEAR-AA is the Centre for Learning and Evaluation-Anglophone Africa, which has set on itself the mission to drive indigenisation and innovation in the field of evaluation based on a strong foundation of local context, and a learning-through-practice approach. Ghana Institute for Management and Public Administration (GIMPA) has been working with CLEAR-AA to deliver capacity building programmes.

45 This is just one of such commitments made by the legislature to enhance use of evidence, but things have hardly changed. See https://bit.ly/3CthGuY for another commitment to ensure Parliament demonstrates commitment to use evaluation by using the Ministry of M&E.

recognise the important role played by (particularly evaluation) evidence in national decision-making. This also included the crucial role of parliamentarians in ensuring evaluation evidence is used for strengthening decision-making (UNDP, 2015).

With the plethora of opportunities available for enhancing evidence use, and despite the commitment shown and the current systems that exist for MPs to access support evidence, practitioners continue to speculate on what the key challenges are for evidence use beyond a thorough understanding of the political economy.[46] As indicated earlier, the limited demand from parliament appears to be attributable to limited motivation to use evidence; an attitude of selective evidence use; and the limited availability of internal resources to enhance evidence use in the functions of the legislature. A potentially successful approach could be to secure buy-in from leadership of the House to demand accountability for the use of evidence; and ongoing monitoring and evaluation of institutional performance on the use of evidence.[47]

[46] This is recognised by CLEAR-AA, making it argue that evaluation capacity development priorities should be shaped in relation to the political economy of countries and their institutions.

[47] This is alluded to by a Ghanaian Parliamentary delegate at the EvalColombo2018 conference. See here: https://bit.ly/3CthGuY

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3.1

CASE STUDY: REPRESENTATION SYSTEMS AND THE EFFECT OF THE ELECTORAL CYCLE IN GHANA

Abraham Ibn Zackaria

Ghana is a unitary republic with an executive presidency and a multiparty political system. A plurality electoral system in single-member constituencies was adopted in Ghana in 1992. The national legislature is the unicameral parliament whose members are elected by universal adult suffrage every four years. The 1992 Constitution of Ghana in Article 93 (1) provides for a single chamber parliament with no fewer than 140 elected members. Article 47 (1) of the Constitution of Ghana provides "Ghana shall be divided into as many Constituencies for the purpose of election of Members of Parliament as the Electoral Commission may prescribe, and each constituency shall be represented by one Member of Parliament." The first three parliaments of the Fourth Republic consisted of 200 members elected from 200 single member constituencies throughout the country. By the Representation of the People Parliamentary Constituencies Instrument, 2004 (C.I. 46) the membership of the Fourth Parliament was increased to 230 for the 2005 and 2009 Parliaments. The parliament was enlarged from 230 to 275 members in 2013 and remains the same to date representing various constituencies across the length and breadth of Ghana (See Table 3.1.1).

Representation is an indication of how the body of parliament reflects wider society, and the extent to which MPs consult and engage with voters (Holmes, 2011). The steady increases in the number of constituencies in the country is indicative of parliament's resolve to achieve maximum geographic representation across the country.

Table 3.1.1 Representation in Parliament of Ghana – Fourth Republic

Column 1	1993	1997	2001	2005	2009	2013	2017
Total No. of MPs	200	200	200	230	230	275	275
Old MPs	2	66	99	91	130	131	133
New MPs	198	134	101	139	100	144	142
Attrition Rate (%)		67	50.5	54.5	43.5	43	51.6
Women MPs	16	18	19	25	19	30	38

Source: Compiled by the Research Department of the Parliament of Ghana

Clearly, representation in Ghana has seen consistent geographical improvements, with further demarcation and creation of new constituencies. Areas that are physically remote and areas with physical barriers due to

the nature of the geography, are allocated separate MPs to enable contact between the MP and the constituents. This is to ensure that irrespective of the geographic area, everyone is effectively represented.

Representation of women in the Parliament of Ghana

In terms of social representation, particularly women, the plurality electoral system in single-member constituencies adopted in Ghana appears to be a barrier for women's representation in the legislature. Apart from the First Republican Era in the 1960s where special provision was made for women's representation, the Third and Fourth Republics have been silent on the representation of women as a special group. This has consistently affected the number of women representations over the years (see Table 3.1.2).

Table 3.1.2 Women's representation in Ghana's parliament (1960–2017)

Year	1960	1965	1969	1979	1993	1997	2001	2005	2009	2013	2017
Seat	104	104	104	104	200	200	200	230	230	275	275
Women	10	19	1	5	16	18	19	23	19	30	38
% of Total	9.6	18.2	0.7	3.5	8	9	9.5	10	8.3	10.9	13.8

Source: Compiled by the Research Department of the Parliament of Ghana

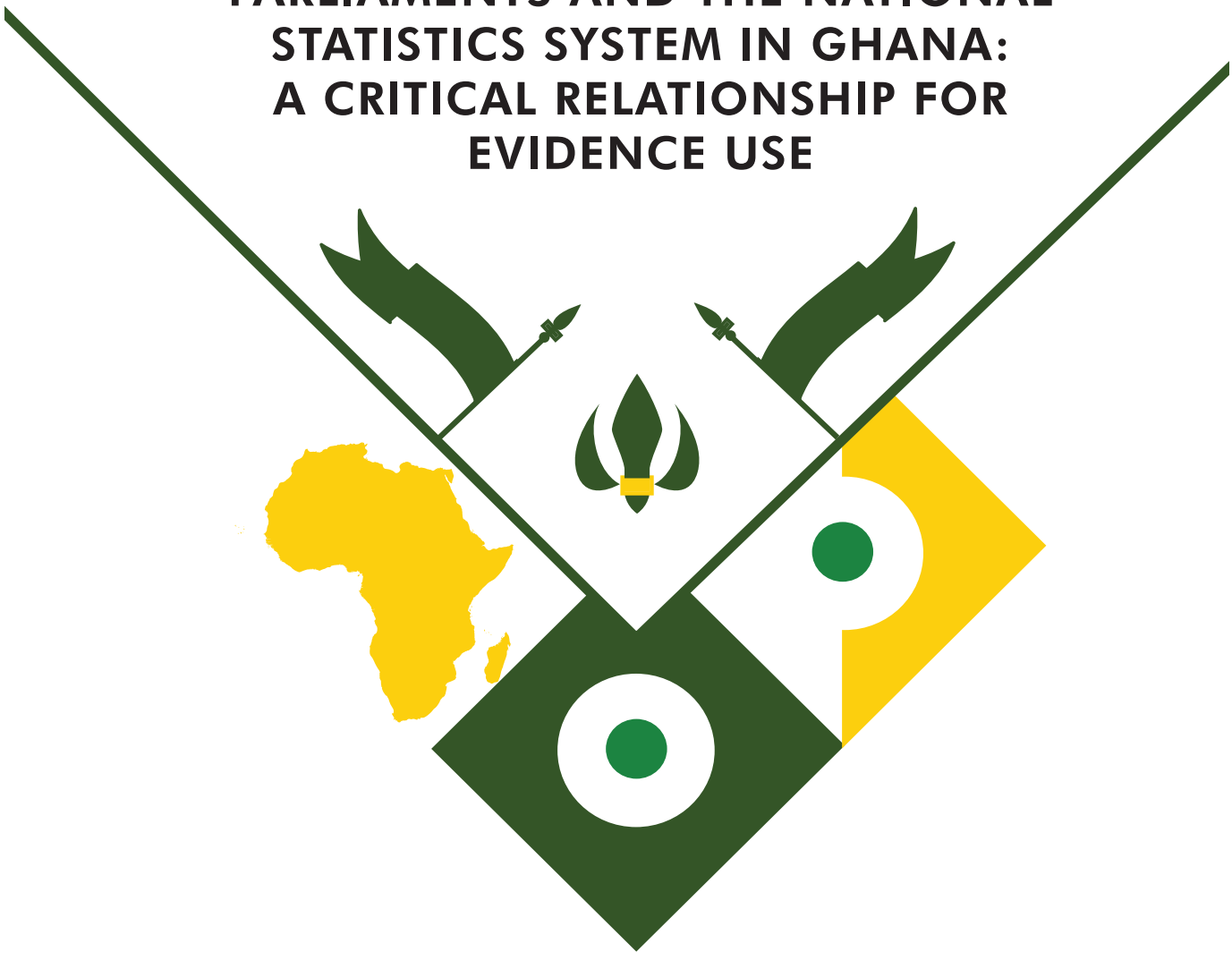
As shown in Table 3.1.2, throughout the Fourth Republic the proportion of women MPs has numbered between 8% in 1993 and 13.8% in 2017. This number is unrepresentative and inequitable for a country with a 52% female population.

The electoral cycle and the attrition rate

The four-year electoral cycle has resulted in high attrition rates in the Parliament of Ghana. Despite the sustained period of parliamentary democracy experienced in Ghana, the institution of Parliament continues to lose significant institutional memory as a result of the high turnover rate of MPs. Statistics have shown that the attrition rate in the Parliament of Ghana has been extremely high, ranging from 67% in 1997 to 43% in 2009. This high attrition rate affects the effective performance of MPs and the House as a whole in performing its duty.

4

PARLIAMENTS AND THE NATIONAL STATISTICS SYSTEM IN GHANA: A CRITICAL RELATIONSHIP FOR EVIDENCE USE



Issifu Lampo and Emily Hayter

Introduction

Agenda 2030 recognises that ensuring accountability during SDG implementation is of paramount importance to guarantee its effectiveness in delivering results. Parliaments are one of the most powerful national domestic accountability mechanisms and their critical role in ensuring the implementation of the SDGs at country level is recognised by the UN, Inter Parliamentary Union and others (IPU, 2016; UNDP, 2017; UN-DESA, 2019). The IPU and UNDP call for close involvement of national parliaments during all stages of the SDGs, recommending that parliaments conduct a thorough review and formal debate before endorsing the national SDG plan; ensure the necessary legislation to implement the SDGs; use the budget process to ensure sufficient resources are allocated to the goals and monitor government expenditure towards attainment of the goals; and monitor results in response to evidence and public feedback (IPU & UNDP, 2016). In this chapter we focus on the Parliament of Ghana showing how its role in the SDGs is intertwined with its engagement with key aspects of the national evidence system, as well as reflective of deeper structural aspects of Ghana's political economy – in particular the relationship between the executive and legislative branches of government.

As shown in Chapter 2, frameworks for evidence use, particularly those which focus on parliaments, emphasise the importance of formal and informal relationships across the evidence system. Critical to this are parliament's relationships with the executive (as highlighted by Rabie and Ajam in chapter 2 of Volume one), as well as with a range of external actors. We use the approach to systems thinking offered by our colleagues in Chapter 2.1: "Systems thinking should assume a holistic approach; recognise the interconnectedness of the various components of the system; identify and understand feedback loops and understand how the system structure influences system behaviour" (Goldman et al., p. 2). We focus on one specific node in the Ghanaian evidence system – the three-way intersection point between parliament, the national SDGs structure and the Ghana Statistical Service. Strengthening relationships across the national evidence system is a recognised priority at national level in Ghana and is shared by each of these actors. The structure of the SDGs provides opportunities and even imperatives for parliamentary engagement; parliament itself seeks to engage more with external evidence producers as well as with SDG structures; and the GSS aims to leverage the renewed focus on statistics provided by the SDGs to strengthen its engagement with data users.

We argue that these entry points within each of these three key actors in the system combine to create a window of opportunity to strengthen democratic accountability in Ghana.

In order to exercise robust oversight over government and to represent citizens effectively, parliaments need to make use of high quality, independent statistics and other forms of evidence. Parliamentary researchers, librarians, committee clerks and other parliamentary staff who are responsible for providing evidence to decision makers need to be able to easily access, interpret and use data to answer MPs' questions and prepare reports and analysis to inform effective oversight. MPs need to be able to oversee progress on development outcomes such as health, education and infrastructure in their constituencies to effectively represent constituents' needs. To hold the government to account on its progress towards the SDGs, parliaments therefore require strong and multifaceted internal data analysis and use capacity. They also need strong relationships with other actors across the national statistics system.

However, the SDGs pose challenges for the statistics systems in many of the countries which have committed to the 17 goals but are not equipped to monitor progress using the corresponding 246 indicators. Incomplete statistical coverage of the indicators is a major challenge. For example, it has been noted that data on more than half of the global indicators is not collected by most countries nor have measurement methods been established to track progress (UN-DESA, 2019, p. 6), including in Ghana where just over half of the indicators are covered by the national statistical system (NDPC, 2020). While enormous global effort has been invested in national statistical systems to help improve the tracking of SDGs, additional resources are still required. However, the production of high-quality data is not in itself sufficient for monitoring progress towards the SDGs, but this must be accompanied by its systematic use to track government implementation and expenditure. This need is recognised under Goal 17 of the SDG structure which focuses on strengthening capacity of statistics systems to provide quality and timely statistics by ensuring that there is an enabling legislative environment and by adequately resourcing statistics bodies. Global advice from UNDP (2017), IPU (2016) and others emphasise the important role of parliaments in supporting the independence and resourcing of statistics systems, fostering collaboration for oversight of implementation and using their representation function to 'localise' the SDGs.

In this chapter, we will illustrate the unique opportunities in Ghana to strengthen the interface between parliament and the national statistics system in support of the SDGs. We draw on preliminary analyses carried out for the Data for Accountability project,[1] combined with a desk review of key literature. We are also informed by the experience of ACEPA in working with the Parliament of Ghana for nearly 20 years, as well as by inputs from staff of both the Ghana Statistical Service and Parliament of Ghana who have contributed to this paper. After a brief background situating our contribution within the growing literature on evidence-informed policy and parliaments, we begin our analysis by outlining the internal components of parliament of Ghana's evidence system highlighting the issues affecting statistics use. We then move outside parliament to consider its relationship with the executive. This fundamentally affects its engagement in the second and third aspects our three-way interface – the structures of the SDGs and the statistics system. We discuss key issues within the national SDG response which we believe offer entry points to strengthen the parliament–statistics interface. Finally, we provide an overview of the statistics system, outlining how recent reforms offer new opportunities to strengthen its relationships with users, including parliament. This completes our picture of the windows of opportunity within each of our three focus areas of the Ghanaian evidence system which the DAP project aims to work on.

A growing global discussion: Evidence use in parliaments

While literature and practice on both parliamentary strengthening and evidence-informed policymaking are growing, the intersection between the two remains limited and there is little focus on the role of statistics at this interface. Information and evidence systems within parliaments are often overlooked within parliamentary strengthening programmes in the international development arena, although they are critical elements of parliament's ability to perform its three core functions (Cunninghame, 2009; Menocal & O'Neil, 2012; IPU & IFLA, 2013). At the same time, the evidence-informed policy sector

[1] The DAP project is a two-year initiative led by the African Centre for Parliamentary Affairs, in partnership with the Ghana Statistical Service and INASP. Funded by the William and Flora Hewlett Foundation, the project aims to strengthen the use of statistics in parliamentary oversight and representation in Ghana. At the time of writing, the project is in its inception stages and the emergence of the Covid-19 crisis means the project anticipates some changes or delays to activities. The authors have therefore drawn on the first two pieces of internal analysis emerging from the project (a political economy analysis and a needs assessment), in combination with other literature, to produce this paper illustrating some of the issues the project will aim to address. Emerging learning from DAP implementation will be shared via ACEPA and INASP communication channels during the course of implementation.

has until recently focused to a much greater extent on evidence use within policy formulation and implementation in the executive side of government, rather than on the role of legislatures (Langer et al., 2016; Draman et al., 2017; and others, e.g. Head). Previous authors have highlighted the importance of parliament's relationships with actors in the national evidence ecosystem (Ndiaye, 2009; Datta & Jones, 2011; Draman et al., 2016; Weyrauch et al., 2016) and UNDP emphasises the importance of parliaments strengthening linkages with national statistical offices in support of the SDGs (UNDP, 2017). However, we are not aware of any studies which have focused specifically on the relationship between parliament and the statistics service in an African country.[2]

In recent years there has been growing interest globally in the use of evidence in parliaments. In 2015 the Inter Parliamentary Union and IFLA produced a new guide to the role of research in parliament offering advice for establishing a parliamentary research service (IFLA & IPU, 2017). The guide highlighted the value of external linkages between parliament and the national research system which is seen as a way of strengthening evidence use in parliaments where the breadth of issues requiring evidence is too extensive to be met by in-house capacity alone. From 2014-2017 the UK parliament conducted a research project to explore the use of evidence at Westminster (Kenny et al., 2017) and in 2018 the inaugural UK Parliament Evidence Week was held; it was then repeated in 2019 (Sense About Science, 2018; 2019).

In 2018 the American Academy of Sciences partnered with a new legislative science advice network under the auspices of the International Council for Science to run a global collaborative exercise to identify the most important research questions on legislative science advice (Akerlof et al., 2019). The priority areas for further study identified through the consultative process included uptake of evidence in parliamentary decision-making; more information on the needs and behaviours of producers and users of evidence in parliaments and the brokering individuals and organisations that link them; and additional insight into the institutions and systems that shape these parliamentary evidence relationships. This is emblematic of a burgeoning interest in the role of evidence and research in parliaments.

[2] See for example the work done by CLEAR-AA and APNODE on parliaments and use of evaluations; by IFLA's network of parliamentary research departments and libraries on the role of research, including in collaboration with the IPU; and by INGSA and the AAAS on the role of science advice. The UK Parliament's report on the use of evidence (Kenny et al., 2017) emphasises the importance attributed by both MPs and staff to statistics but is not solely focused on statistics.

Several parliaments on the African continent have been focusing increasingly on evidence use issues in recent years. In 2015, Kenya Parliament formed its innovative Caucus on Evidence Informed Decision-Making, a collaborative exercise between staff and MPs to champion evidence use within the institution which successfully navigated the sustainability challenge presented by the 2017 election and continues to thrive in the 12th Parliament (see Marale's chapter; IPU, 2020). Uganda's first parliamentary Research Week was held in 2016, and parliament has since expanded its evidence partnerships to include commissioning rapid response services from Makerere University and obtaining specialist academic support from the National Academy of Sciences (refer to other relevant chapters for more detail). A new group of African parliamentary researchers was hosted by Parliament of Kenya in 2019 to explore the role of research in the strengthening of parliaments on the continent. However, much of the work so far on internal parliamentary procedures and capacities has focused either on a broad definition of evidence, or on specific types of evidence such as research or evaluations – with minimal focus on official statistics. While there has been extensive exploration of the importance of parliament's relationships with evidence producers, no studies that we are aware of have focused specifically on the relationship between parliament and the statistics service in Africa.

Evidence structures and data use capacity in Parliament of Ghana

In Ghana, parliament is already exploring how to strengthen its relationships with the national research system, which is an African leader in producing SDG-relevant research (Nakamura et al., 2019, p. 9). Representatives from PoG observed Parliament of Uganda's 2016 Research Week through a peer-learning scheme facilitated by the VakaYiko programme, later adapting and implementing a similar event in Ghana. Parliament of Ghana's research department has also been actively engaged in contributing to the analysis and dialogue around evidence use in parliamentary contexts, presenting on its evidence use efforts at the 2018 conference of the Africa Evidence Network, and participating in the Africa Evidence Network's virtual 2019 Evidence Week through a series of events in Accra in collaboration with PACKS-Africa. These broader engagements are complemented by issue- or sector-specific gatherings, such as the annual budget workshop which enables input from think-tanks and other actors (Zacharia, 2018).

However, parliament has not taken a specific data focus in any of these engagements and has never had an institutional partnership with GSS. DAP will be building on these efforts to strengthen relationships and collaborations with stakeholder engagement including a Data Fair and other activities aimed at fostering dialogue between PoG, GSS and other data producers and users in Ghana. As shown in the records of parliamentary debates and discussed further below, some members of parliament do not trust GSS data, especially politically sensitive data such as inflation and unemployment statistics (e.g. Parliament of Ghana, 2019, p. 3618). Some MPs have viewed GSS as an appendage of government and this undermines confidence in the data emanating from GSS. The corollary has been the case with staff of GSS; because MPs viewed them with suspicion as far their neutrality in data production was concerned, the GSS staff, in turn, were disinclined to collaborate with MPs/parliament lest they were tagged with a political label that could erode their credibility. The DAP project will be providing sensitisation sessions for GSS and parliament to explain to each organisation how the other works, including the context and challenges faced by each.

PoG's basic internal evidence structures are similar to those of other parliaments in Africa and around the world. It has a research department and a library, as well as other staff units which support MPs and committees with gathering, synthesising and appraising evidence (Draman et al., 2016b; Global Partners Governance, 2017). Uniquely among its regional neighbours, PoG has also established an internal coordinating body, the Inter Departmental Research and Information Group (IDRIG), which brings together the different staff units responsible for gathering evidence within the institution and providing evidence to decision makers.

PoG's internal evidence system is affected by various challenges. Internal institutional inefficiency is manifested in the bureaucratic difficulties in accessing human and financial resources for research and evidence, as well as a lack of clarity surrounding parliament's institutional priorities (exemplified by the Strategic Plan process which was ongoing for a number of years and was eventually launched in May 2020).

The need to strengthen data and statistics capacity among parliamentary staff in Ghana has consistently been identified in recent years through projects the authors have been involved in or had contact with.[3] Staff capacity is an important target point for evidence-use interventions in general (Langer et al., 2016), but particularly so in parliaments because of the high turnover of MPs which leads many development programmes to see staff capacitation initiatives as entry points for more sustainable programmes (Draman et al., 2016a). While all Ghana's parliamentary researchers receive mandatory research methods training through ISSER, researchers have identified specific data areas where there is a need for further support. These include accessing and gathering data from a variety of sources, and understanding 'big data', data analysis and handling. DAP is also in discussion with parliament and GSS to institute a placement scheme to enable virtual and face-to face mentorship support for individual research and committee staff by data specialists drawn from the GSS and other research institutions.[4]

The DAP needs assessment was carried out by the parliamentary research department to understand specific capacity gaps related to the SDGs and statistics as reported by the department as well as by MPs with whom it worked (Zackaria, 2019). In playing their legislative, oversight and representative roles vis-à-vis the implementation of the 2030 Agenda, MPs need to understand and raise awareness on the SDG framework among constituents, assess readiness, and provide oversight to enhance peoples' participation (Together, 2016). The research department is the main institutional mechanism which provides evidence to MPs to accomplish this. With regard to the SDGs, the needs assessment found that the Parliament of Ghana's research staff feel that they lack the capacity to track the implementation of SDGs and to support individual MPs and committees in these oversight roles. Needs were identified for strengthened capacity in a number of areas to be able to use SDG data to support oversight activities of the House. These include areas broadly related

[3] This need was identified via the Building Capacity to Use Research Evidence (B-CURE) the VakaYiko programme funded by DfID from 2013-2017, which the authors were involved in, as well as several other subsequent projects and initiatives which we are aware of conducted by different partners.

[4] The scheme is expected to be driven largely by the demand and needs of the Research Department and Committees. Mentorship support will be tailor-made to suit the kind of needs emanating from the target group within parliament relative to data usage. To foster close collaboration between parliament and the GSS, visits to parliament and GSS by the various actors will be encouraged and facilitated. This will provide opportunity for GSS officers to familiarise themselves with parliament and build relationships. The corollary is the case with parliament.

to the SDGs such as an understanding of their links with Agenda 2063; an understanding of the indicators; information on data-specific topics such as the use of statistics to forecast achievement of SDG goals; the analysis and interpretation of SDG data; and effective communication of the information to MPs. DAP has used these findings to inform the design of a series of training workshops for parliamentary staff which will be conducted by statisticians from GSS. It is also working with parliament to support the establishment of a dedicated SDG Desk within the research department which will designate specific research officers to lead on SDG-related issues within the department.[5]

Staff have also reported that data is not presented in the required format for MPs' use, MPs have inadequate time to use data to inform their decisions, and that most MPs are not interested in using data to inform decisions. When consulted directly, however, MPs listed a number of types of data that they believe could help them in their representation role to understand needs in their constituencies including data illustrating age demographics (youth and elderly were populations of particular interest); employment data; gender; farmers' data; data on access to water and sanitation facilities; population dynamics; and development progress information (Zacharia, 2019).[6] DAP will incorporate these findings in the design of a series of training workshops to be conducted with MPs by GSS staff.

In addition to the individual capacity of staff and MPs, embedded institutional use of evidence requires organisational processes and systems. One of the most critical processes within parliament through which data can support representation and oversight is by means of the constituency profiles process. Effective representation of citizens requires that MPs are knowledgeable about

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[5] While this is in the early stages at the time of writing, the scope of work is expected to include: acting as a focal point/coordinator on all SDG-related matters within the Research Department including producing briefs on the SDGs and responding to requests for MPs as well as committees and research staff; serving as a liaison between parliament and the national SDGs Implementing Coordinating Committee; acting as liaison between the research department/parliament and the GSS and allied data producing institutions; link with the Parliamentary Training Institute (PTI) and GSS to coordinate training on SDGs for members of parliament on a rolling basis; gather quarterly data on the performance of specific SDGs indicators.

[6] DAP is working with two committees whose members provided responses to the needs assessment; **Finance Committee (Permanent Parliamentary Committee)** was selected because it is the parliamentary committee mandated to approve the budget for SDGs related programmes and it also has some of the able and influential MPs in Parliament. Potential champions for SDGs could be identified in this committee. **Poverty Reduction Committee (Ad-Hoc Parliamentary Committee)**. This committee is not as powerful in terms of mandate compared to the Finance Committee, however, the committee has the sole mandate to oversight poverty related interventions including most, if not all the SDGs goals.)

their constituencies and this requires information on the characteristics and the needs of the groups of people they represent. As noted by UNDP, the focus on 'localisation' in the SDGs means that MPs need constituency-related data and information to ensure that the aspirations of citizens find expression in policy, especially as it relates to the SDGs. However, in many African parliaments, including Ghana, constituency-level data on key indicators such as health, education, and unemployment is not available to MPs. This has important implications for evidence-informed representation and for MPs' constituency-level engagements. This has already been identified as a key issue in Ghana: "Effective implementation of the SDGs requires adequate capacity at local authority level to engage with local communities and other stakeholders. This implies that the capacity of District Assembly members and Members of Parliament must be enhanced for effective engagement with their constituents" (Government of Ghana, 2019, p. 116). The DAP project will be trialling the development of the first constituency data profiles in Ghana. A second relevant aspect of parliament's capacity to respond to the SDGs concerns the use of the committee system to exercise oversight over government in delivery of the SDGs.

The parliamentary leadership, including the Speaker of Parliament, has expressed commitment and readiness to ensure that parliament plays a pivotal role in the implementation of SDGs by establishing a dedicated Ad hoc Committee with responsibility to monitor Ghana's progress on the implementation of the SDGs. According to the Speaker of Parliament, the committee will, among its other duties, have the additional responsibility of considering progress reports from implementing Ministries, Departments and Agencies. The committee will also advise parliament on budgetary allocations and other appropriate interventions to ensure that government is on track in the implementation of the SDGs. However, this is yet to be realised. Data for Accountability Project (DAP) will leverage this unique opportunity by engaging parliamentary leadership and other key actors, such as chairpersons of the Finance and Poverty Reduction Committees of parliament, in advocating for the establishment of the Ad Hoc Committee and for the requisite budget allocation to support its work.

As this section has shown, DAP aims to respond to a number of opportunities within parliament to strengthen the use of data to support oversight and representation with regard to the SDGs. Importantly, these comprise both

'hard' technical issues as well as 'softer' issues relating to organisational culture, trust and relationships. Both staff and MPs require greater individual skills and knowledge of how to find, appraise and communicate statistics to understand Ghana's progress towards the SDGs. Parliament's internal structures and systems have an important role to play and there is an opportunity to test a standard model for production of constituency profiles in order to strengthen MPs' ability to understand SDG progress at the local level and to represent their constituents effectively. Underpinning and fundamentally affecting the capacity needs in parliament, however, is the broader relationship between parliament and the national statistical system, as well as the SDG structures. In subsequent sections, we show how entry points within each of these parts of the system combine to form a window of opportunity to strengthen statistics use by parliament to monitor the SDGs.

Parliament and the executive in Ghana

In this section we move beyond parliament to consider parliament's relationship with the executive branch of government, which is a fundamental aspect of its role in the national evidence system. An analysis of the foundational and institutional factors affecting parliament's relationship with the executive in Ghana offers some insights which could help to explain why evidence use is both critical and challenging for Parliament of Ghana, and why this has not yet been fully engaged in the SDG process.[7]

Ghana has had a continuously functioning democracy since the restoration of a democratic Constitution in 1992 (the first democratic government, the Fourth Republic, being installed in January 1993) (Ninsin, 2006). The president is the Head of State and Commander in Chief and is elected for a term of a maximum of two four-year terms. The constitutional provision which allows the president to appoint a majority of his ministers from parliament presents a structural challenge to parliament in the performance of its main functions of executive oversight, legislation, and constituent representation.

Since 1992 there has been a peaceful transfer of power from incumbent regimes to election winning opposition parties over the course of four election cycles. Power has alternated between the two dominant political parties, the New

[7] This section is based on a more extensive political economy analysis produced for the DAP project (Lampo, 2019).

Patriotic Party (NPP) and the New Democratic Congress (NDC) throughout the Fourth Republic to date. The NPP is a centre-right party, grounded in values of liberal democracy. The NDC believes that economic prosperity for all Ghanaians can best be achieved through appropriate regulation and strategic investment for inclusive development. Much of Ghana's SDG architecture was established during the 2016-2020 NPP administration under President Akufo-Addo. Notwithstanding the seeming ideological differences between the two major political parties, when it comes to the adaptation of the global SDGs to national development agenda, the two main political parties are united in pursuing the implementation of the SDGs as they relate to Ghana's development goals. It should also be emphasised that parliament's relationship with the executive during the administration of either the NPP or NDC has not altered in any shape or form.

Oversight

The concentration of power in the executive branch poses challenges to the consolidation of democracy in Ghana and affects the separation of powers in the state. This poses further threats to the SDGs structures and the statistical system. The president is a powerful political actor in Ghana and has extensive control over significant parts of the state and the economy. The deficiencies that the control of power by the office of the president creates are evident throughout the political system. The structure of the national SDG process – in which the executive plays a dominant role to the exclusion of other critical stakeholders such as parliament – exemplifies the executive concentration of power. Aggressive campaigns for control of the presidency, strong loyalty to the president from the ruling party's MPs, lack of power of opposition parties in parliament, and weak oversight over the president all derive from this concentration of political power (USAID, 2011, p. 28). As with any such concentration of power, influencing policymaking processes at the presidential level is often a question of access – either direct or indirect – to the president and his/her circle of advisors and aides. The 1992 Constitution set up a hybrid system, giving broad powers to the president with half of the Cabinet being appointed from parliament. In the New Patriotic Party (NPP) administration elected in 2016, the majority leader is also a Minister of Parliamentary Affairs with a seat in Cabinet.

While the constitution is designed to ensure that the president has sufficient power to provide direction and leadership over government, in practice, however, the president's interpretation of those constitutional powers has weakened the power of parliament. For example, under Article 70, the president has the power to appoint all high-ranking officials of state including, but not limited to, the following: Metropolitan, Municipal and District Chief Executives, Regional Ministers, National Security Heads, and members of supposedly independent commissions such as the Independent Election Commission. Although these appointments are constitutionally subject to confirmation by parliament by virtue of the fact that the party in government has a majority of members in parliament, confirmation becomes a mere formality. The partisan nature of voting in parliament has had a deleterious effect on parliament's ability to effectively oversee the executive. In a 2019 speech delivered at a National Dialogue on Public Accountability organised by the National Commission on Civic Education in Accra, the Deputy Minority Leader of Parliament, Hon. James Klutse Avedzi, bemoaned this practice. He noted that "Decisions in Parliament are taken by the number of votes so if the issue on the floor is to be voted for, who do you think would win? The majority party wins, because we vote on party lines, we don't vote on issues."[8]

Ghana's political system, like many political systems in Africa, is a hybrid: nominally, it is a unitary presidential and legislative system. A presentation by the Parliament of Ghana's research department at a regional conference in 2018 explained the structure of the parliament as an effect of the aforementioned executive control in simpler language: "Most ministers are also MPs, and most MPs aspire to become Ministers. This lack of political will negatively affects evidence up-take by Members" (Zacharia, 2018).

The relationship between the presidency and the parliament and, in particular, parliament's ability to hold the executive to account, is shaped more by informal power networks than by constitutional and political power. During the years since the inception of the Fourth Parliament of the Fourth Republic, the institution has been defined by a series of tussles between the presidency and parliament, mainly over ministerial appointments, legislation and the implementation of government projects. As mentioned above, all members of the High-Level Ministerial Committee as well as the SDG Implementation Coordinating Committee are appointed by the president including ministers who double as

[8] J.Klutse Avedzi. *Parliament in Ghana is Handicapped*. https://mobile.ghanaweb.com. 26 June 2019

MPs. The import of the preponderance of the president's appointees on such important committees lies in the fact that the implementation of the SDGs is unlikely to be subjected to proper scrutiny and accountability. The presidency appears to regard parliament as an institution that needs to do its bidding, instead of seeking constructive engagement with parliament. Even though parliament enjoys reasonable powers in each of the areas highlighted above, its attempts to secure oversight and accountability have been tentative and unconvincing.

For example, Draman illustrates how the president can co-opt active MPs through their nomination for ministerial posts which contributes to shifting their allegiance to the executive (Stapenhurst et al., 2019, p. 53). He further notes that MPs have built very strong collegial relationships prior to and in parliament, which tend to trump the formal institutional infrastructure ushered in by the constitution (Stapenhurst et al., 2019, p. 53). In fact, Ghana's parliament has been described as a 'talking shop'.[9] However, other research presents a more mixed picture with regard to the responsiveness of Ghanaian members of parliament between the provision of public goods of benefit to the general population in their constituencies versus the provision of private goods that benefit patron–client networks (Lindberg, 2009; 2010.) These findings are particularly encouraging as they indicate that advocacy amongst MPs on issues related to the general good of all their constituents (for example, with respect to environmental protection) can be effective.

Representation

Ghana has a unicameral legislature composed of 275 Members of Parliament from single-member constituencies. A major limitation to political representation in Ghana is the gender balance of MPs. With just 36 of the 275 MPs being female, Ghana ranks at 149 of 190 countries in the IPU's ranking of women in parliaments (IPU, 2020). This is illustrative of a broader issue with political participation across government; the World Economic Forum's 2020 Global Gender Gap report combines the status of women in parliament with data on women in ministerial positions and other factors to place Ghana at 107 of 153 countries for political empowerment (World Economic Forum, 2020). In its study of female MPs' participation in parliamentary committees

[9] M. Ofori-Mensah and Lucas Rutherford. *Effective Parliamentary Oversight. Mission Impossible?* 01 June 2011

in Africa, however, a study from the Westminster Foundation for Democracy suggests that the regional trend of having women overrepresented on perceived 'softer' committees such as health is not the case in Ghana where female representation, while low, is roughly the same in the health and budget committees, and higher in defence (10.5%, 9.5% and 16.7%, respectively) (Dodsworth & Cheeseman, 2019).

All too often, MPs in Ghana lack the capacity and institutional support to scrutinise legislation in a rigorous and critical way, even amongst those members of sub-committees or other oversight mechanisms where one would expect some specialisation of roles. As noted above, constituency-level data on key indicators is often not available, thereby limiting the capacity of MPs to effectively represent their constituencies. The consistent use of the party whip by the governing (majority) party also means that opposition parties have had little chance to influence Bills as they proceed through the legislature. It is possible that these dynamics will change in the future should the party of the president lose its parliamentary majority or become reliant on one of the smaller parties in the context of a 'hung' parliament. However, for the time being it is reasonable to assume a relatively consolidated and essentially single- party system of government, with the possibility of loss of incumbent power every four years through electoral processes. Nonetheless, space exists for more work to be done with parliamentarians in cooperation with other CSO actors already working in this area.

Legislation

It is noteworthy that most laws that have been passed in Ghana's parliament have originated from the executive. Warren et al (2005) have argued for the important role that opposition MPs have played in identifying gaps in the legislation, for example, boycotting parliament as a means of protesting against some legislation. In addition, in a number of cases parliamentary debate has led to substantial amendments being made to Bills before they became law. [10]It is further argued that "the Ghanaian Parliament has moved beyond being a

[10] Examples include the National Reconciliation Commission Act 2002 (Act 611), the Labour Act 2003 (Act 651), the Public Procurement Act 2003 (Act 663) and the Civil Aviation Act 2004 (Act 678).

rubber-stamp institution".[11] However, as Tsekpo and Hudson note (2009, p. 11), only one Private Members Bill, introduced by parliament, has been passed into law in the fourth republic.

The literature also suggests that Parliament of Ghana's legislative capacity is constrained by the constitutional requirement to blend legislative and executive functions of government. This is specified in the 1992 Constitution, in which Article 78 (1) provides for the appointment of most ministers of state from among MPs. Interviews conducted with MPs from majority and minority parties revealed that this affects their work to a significant degree, with MPs reporting that this has resulted in a reduction of time and energy that legislators have to devote to parliamentary work (Sakyi, 2010). Article 78 (1) has been reported by several MPs as contributing to executive control and manipulation thereby compromising oversight processes.

Moreover, Sakyi (2010) argues that Article 78(1) has not only subverted the powers and autonomy of the Ghanaian legislature but has also rendered its control over executive arbitrariness ineffectual. This backdrop of structural and overweening executive dominance strongly affects parliament's effective engagement with other aspects of the evidence system. This affects its ability to engage both with the statistics system and with the SDG structures that have been established thus far by the executive in Ghana.

Ghana and the SDGs

The Government of Ghana has played a unique leadership role among African countries within the Sustainable Development Goals framework, but this has been a largely executive-driven effort with limited participation of parliament thus far.

Ghana has played a significant role in preparations leading to the adoption of the 2030 Agenda, for example, President Nana Akufo-Addo has served two terms as the co-chair of the Eminent Group of Advocates for the SDGs. Amongst other key roles, the country has also played an important role as Chair of the Economic Community of West African States (ECOWAS) during the Open Working Group of deliberations, as well as during as intergovernmental

[11] Shana Warren. *Legislative Performance in Ghana. An Assessment*, 2005. https://bit.ly/3BHHFOc

negotiations on the formulation and adoption of the SDGs. This section describes the national-level SDG infrastructure that has recently been put in place in Ghana, and the window of opportunity that this appears to present for strengthening the role of parliament by using statistics.

Ghana's national SDG structure

In this section, we describe the structures which have recently been established in Ghana to implement the SDGs. Further analysis of the emerging successes and challenges of the practical implementation of these structures would, we feel, be a valuable contribution to this discussion for future researchers.

In 2016 Ghana established the requisite national architecture to facilitate multi-stakeholder engagement in the SGDs involving the government, CSOs and the private sector. A High-Level Ministerial Committee, a multi-stakeholder Implementation Coordinating Committee and a Technical Committee are responsible for coordinating and implementing the SDGs nationally. The ministerial committee consists of 15 ministers of state and is chaired by the Minister of Planning with the president's special advisor on SDGs in the role of Secretary. It provides strategic direction for the implementation of SDGs and Agenda 2063 by means of the cross-sectional and coordinated manner in which it actively engages all facets of government to ensure a 'whole-of-government' approach to implementation.

The SDGs Advisory Unit is responsible for providing technical, policy and strategic support to the president in SDG advocacy interventions. The unit further supports the president's role as the co-chair of the UN Secretary General's Eminent Group of Advocates and the SDGs Advisory Unit also supports the High-Level Ministerial Committee which, in turn, is supported by an SDGs Implementation Coordination Committee (ICC), encompassing the Office of the President, 10 key ministries and agencies, the SDG Philanthropy Platform, civil society organisations and the National African Peer Review Mechanism Governing Council. The ICC's core function is streamlining and strengthening cross-sectoral coordination and multi-stakeholder partnership in implementation, monitoring, evaluation and reporting. The ICC further conducts the VNR process for Ghana under the supervision of the High-Level Ministerial Committee.[12]

[12] The ICC predates the HLMC, having been established in 2016 by former president John Dramani Mahama. The HLMC was established in 2018 by current president Nana Akufo-Addo.

The national development plan drives the implementation of the SDGs as it guides the integration of the SDGs into Ghana's national development agenda (2017-2024), the medium-term national development policy framework (2018-2021), and the sector and district development plans. The SDGs' Technical Committee is made up of SDGs' focal persons of MDAs and representatives of CSOs, the private sector, academia and other stakeholders. Members of the committee are responsible for ensuring integration of SDGs into development plans, and the implementation, monitoring and evaluation of reporting on the SDGs in the various sectors. The committee also provides support to local authorities and other stakeholders for implementation, tracking and performance, advocacy, awareness creation and public education. The committee further has responsibility for ensuring the provision of accurate and timely data for tracking the progress of the SDGs and Agenda 2063.

The SDGs' structure is further supported by a wide range of multi-stakeholder umbrella bodies such as youth and CSO SDG forums. A youth-focus sub-platform addresses youth-related concerns in all the SDG goals. The platform serves as the focal point for engagement between CSOs, the private sector, and government on the SDGs. Furthermore, a CEOs' Advisory Group engages leaders of key private sector entities, and a Delivery Fund aims to harness CSR resources of the private sector to support SDG initiatives. This arrangement encourages the institutionalisation of partnerships and collaboration between business leaders, traditional authorities, and the government in pursuit of SDGs in Ghana. In addition, it aims to heighten awareness of the importance of data thereby encouraging data use and accentuating the need to strengthen the data ecosystem.

Entry points for strengthening the parliament-statistics interface

SDG Goal 17 contains specific indicators on the need to strengthen statistical systems, which Ghana has not yet provided data for. Indicators 17.18.1; 17.18.2; and 17.8.3 point to the need for strengthened and fully resourced national statistical capacity, as well as the necessary enabling legislation (UNDESA, 2020). While Ghana is still exploring data sources for these indicators (Ghana Statistical Service 2018), this focus on data within the SDGs aligns with the long-standing domestic process of reform of the national statistical system, including a focus on strengthening use of statistics by diverse actors. This has included mapping, gap analysis, the development of a national statistical plan, and a

new Statistics Act – described in more detail in the next section. At the global level, advice from UNDP (2017), IPU (2016) and others points to the important role of parliaments in supporting the independence and resourcing of statistics systems as part of their role in the SDGs and for the achievement of SDG 17.

The global and regional emphasis on strengthening parliament's relationships with actors across the national research system is consistent with GoG intentions as expressed in the VNR process to strengthen national research-to-policy linkages in response to the SDGs. The first VNR report notes that while the role of universities and research institutions in supporting the SDGs has been recognised, the prevailing coordination and communication challenges mean that collaboration is limited between research institutions, academia and government evidence producers such as GSS (Government of Ghana, 2019, p. 116). Recent reforms of the national science, technology and innovation system under the Akufo-Addo government have included the development of a new Presidential Advisory Council on Science and Technology accompanied by new national mechanisms to identify and fund research priorities (GhanaWeb, 2019); these also offer new opportunities for strengthening Ghana's national evidence system.

Finally, aligning the annual national budget processes to the SDGs has also been a critical element of Ghana's implementation of the SDGs to date, and this has required the involvement of parliament. As UNDP emphasises, it is critical for parliaments to be able to "assess the impact of spending in terms of achieving the overarching goals of the SDGs, namely to be 'people-centred' and to particularly target efforts towards the marginalised and the excluded" (UNDP, 2017, p. 37). As part of the GoG's participation in the Voluntary National Review processes, annual SDG budget reports have been prepared by the Ministry of Finance under the auspices of the ICC since 2018 when the baseline report announced the intention for the SDGs to "flow through the DNA of all Ghanaians" (Government of Ghana, 2018, p. 3). Following the 2018 budget report, the Ministry of Finance directed all Ministries, Departments, and Agencies to align their 2019 and subsequent budgets to the SDGs' targets. In the 2019 SDGs budget report, Ghana shared its pioneering system for tracking budget allocations for the SDGs at target level across all areas of government. This was developed by MoF to enable tracking of actual expenditures on a quarterly basis and has the potential to become an important resource for government, parliament, and civil society organisations to understand progress and spending commitments towards the SDGs.

Parliament's involvement in SDGs and VNR in Ghana

Parliaments have a critical role to play in domesticating the SDGs' framework, as well as ensuring that the SDGs' aim of promoting inclusive and accountable development is achieved by reviewing what the executive has done. Parliaments' engagement is critical to facilitate domestic resource mobilisation, outline and monitor budgetary allocations for implementing and reaching targets, scrutinise national plans to ensure harmonisation, and make and review laws to facilitate implementation at local, regional and national levels. Furthermore, a key lesson learned from the implementation of MDGs concerns the central role that parliaments can and should play in ensuring that SDG implementation reflects the diverse needs of the constituents that it represents and benefits all groups of people, especially the most disadvantaged (UNDP, 2017). This is especially relevant given the ongoing challenges and data gaps faced by many executive branches of government in using evidence to identify and meet the needs of marginalised groups: as the International Institute for Environment and Development (iied) notes, "although the VNRs demonstrate that countries consider gender equality and equity to be essential for achieving the SDGs, integrating equity-focused, gender-responsive evidence seems to be a blind spot in reporting" (Hofur-Olusanmokun et al., 2019). As noted above and in Box 1, this is certainly a challenge that has been experienced in the Ghanaian context, both in terms of political representation within parliament itself, and in terms of the gender gaps shown in statistics.

Box 1

MDG implementation experience indicates greater success when implementation was localised via appropriately-mandated and capacitated sub-national and local governments, and when these local institutions were engaged from the early stages of the process. Under the MDGs, there were experiences in which accountability was not well developed and the MDGs were 'hyper-centralized.' This resulted in a lack of inclusiveness and permitted the continuation of persistent social and regional disparities within a country. A clear link between accountability and representation (at national and local levels) can create an important leverage effect that fosters a fairer distribution of public resources and greater inclusiveness of women, youth and marginalised and vulnerable groups. (UNDP, 2017, p. 54)

In Ghana, parliament has not been deeply involved in the national response to the SDGs so far, despite the apparent opportunities for engagement around the budget process, research-to-policy relationships, and supporting the statistics system outlined above. The role of MPs in the SDG structures described above has been peripheral. Parliament has not been fully engaged in the alignment of the SDGs to national development goals, though it has made some inputs to consultative processes with other stakeholders. Although the High-Level Ministerial Committee of the SDGs comprises 15 ministers who are also MPs, the main focus of SDG activity has been through executive mechanisms rather than through parliament. There have, however, been some early signs among key stakeholders of the recognition of the importance of engaging with parliament on which the DAP project hopes to build.

The Implementation Coordinating Committee has made overtures to parliament by initiating a meeting in late 2017 aiming to sensitise parliament on the SDGs and their implications for national development. The leadership of parliament participated in this meeting and subsequently announced a commitment to establish a parliamentary sub-committee on the SDGs discussed above. In 2018, Ghana's first SDG Budget Report highlighted the role of parliament in monitoring the SDGs suggesting (p. 46) that a checklist should be developed to enable parliament to assess new policies tabled for approval, as well as those that are in the process of approval or have already been approved, to ensure that SDG targets are comprehensively integrated within all existing policies.

In 2019, the National Development Planning Commission together with other government agencies, including GSS, organised a Voluntary National Review event of the SDGs with parliament with the aim of increasing awareness amongst MPs. During this event, parliament reiterated its commitment to setting up a parliamentary sub-committee of the SDGs, although at the time of writing this has not been established. The leadership of parliament also indicated its approval of the final VNR draft report. Therefore, while there appears to be recognition of the potential role of parliament in exercising oversight over SDG implementation in Ghana, involvement thus far has been limited. However, we see key windows of opportunity to strengthen parliament's role in the SDGs by focusing on the relationship between parliament and the national statistical system, which has been a key actor in SDG processes and which provides opportunities for parliamentary engagement.

The statistics system in Ghana

GSS and the SDGs

In this section, we show how recent reforms in Ghana's statistical system offer potential entry points to strengthen the relationship between parliament and the Ghana Statistical Service through the framing of the SDGs. As noted above, The production of high quality, timely and disaggregated data that provides SDG indicators has been a major focus of SDG efforts in Ghana so far. GSS has led the process of establishing a baseline for the SDGs in Ghana and in coordinating reforms within the statistical system to be able to address the data gaps and effectively monitor progress towards the SDGs. Of 246 global SDG indicators, only 129 are available in Ghana's national statistical system (NDPC, 2020). An initial mapping exercise in 2016 resulted in the identification of gaps resulting in a subsequent review of the processes and guidelines for data gathering and the establishment of standard data and metadata templates for use by all MDAs in reporting SDG data (Government of Ghana, 2019, p. 28), and this is published on an online hub (Ghana Statistical Service, 2018). An SDGs' data roadmap guides the government's activities in strengthening the data system by focusing on filling data gaps, strengthening the data ecosystem, and encouraging data use (NDPC, 2020). GSS is supporting MMDAs to revise their data collection templates, as well as training staff of MMDAs on SDG data issues.

Effective interaction between statistics users, suppliers and producers is critical in informing and measuring overall development process and programmes against global, regional and national targets such as the SDGs, Agenda 2063, as well as national and sectoral plans. The data challenges arising with respect to the SDGs are thus symptomatic of broader issues within Ghana's National Statistical System which is described by the OECD as "the ensemble of statistical organisations and units within the country that jointly collect, process and disseminate official statistics produced and published by and on behalf of government, with the Central Statistical Agency at the hub" (OECD). In Ghana, GSS, as the central statistical agency, produces and disseminates official national statistics as well as coordinating and collaborating with MDAs and other organisations such as CSOs, academia, the private sector, and development partners, which together "collect, compile, process, analyse and disseminate official statistics" (NDPC, 2020). The coordination role of GSS

includes providing advisory and technical services to all users on statistical matters and ensuring the production of official statistics by promoting the use of internationally accepted standards across all national data producers.

The GSS is responsible for overseeing the consistency, quality and continuity of official statistics. The production and dissemination of official statistics involves the organisation and implementation of the census, along with the production of a range of economic and social statistics, including compilation, processing and dissemination of national accounts statistics, consumer price indices and demographic statistics. With the growing demand for data, Ghana's national statistics system has in recent years come under greater scrutiny and pressure to deliver timely, relevant, high quality and disaggregated statistics. There has been concern for some time on both the capacity of public institutions to generate routine data from their administrative processes, and the extent of their use of statistics over the planning cycle (National Statistical Assessment Survey Report, 2018).

One of the recent challenges for Ghana's national statistical system, as in many African countries, is that it neither has a clearly centralised nor a decentralised statistical system. A statistical system is centralised when all or most of the products of the statistical system are produced, processed, and disseminated by a central organisation. On the other hand, systems are said to be decentralised when different ministries and agencies on the sector for which they have responsibility produce statistics (Edmunds, 2005). In Ghana, government documents show that GSS had no clear legal mandate to play a central role in the national statistical system[13] and that there was no clear linkage of GSS with the Research, Statistics and Information Management Directorates of the MMDAs in the production and publication of official statistics for policies and decision-making. The reliance on data from different MDAs without recourse to any fundamental principles governing their operations or to the GSS, was seen to create 'systematic uncertainty' (Strengthening Stats in Nat Dev Planning, p. 5) by giving rise to a situation of conflicting statistics being disseminated.

[13] The statistical units of Ministries, Departments and Agencies (MDAs), are governed by PNDC Law 327, enacted in 1993. The GSS in Ghana evolved from the office of the Government Statistician (set up in 1948), to the Central Bureau of Statistics in 1963. It then finally become the Statistical Service in 1985, by PNDC Law 135. The Local Government Act 2016 (Act 936) established the District Statistical Department (DSD) to further enhance a decentralised statistical system. While the DSD administratively operates under the local government, GSS is expected to provide guidance and technical backstopping.

The Statistics Act 2019

The Statistics Act 2019 provides opportunities to address many of these challenges. The Act provides the GSS with a clear mandate which will enhance its ability to capture and share SDG data and to expand its partnerships within and outside government. This new legislation was keenly anticipated in the government's 2018 baseline SDGs' budget report, which noted that data availability had been a challenge when attempting to establish a reliable baseline and anticipated the new legislation playing a fundamental role in guiding future reports (GoG, 2018, p. 3). At the time, the presentation of the Bill in parliament was firmly rooted in the language of evidence-informed policy, which is also a dominant narrative framing Ghana's VNR reports. Presenting the Bill for its second reading in parliament, the Deputy Minister for Finance argued that "the principle to use an evidence-based decision-making process is critical both at the centre of government business as well as at the decentralised level. Better development decisions are taken when there are good statistics" (Parliament of Ghana, 2019, p. 3582).

The law provides a refined legal and implementation framework that emphasises the leadership and coordination role of GSS in statistics production. This addresses a number of challenges that have affected it in the past including data inconsistencies due to coordination and quality assurance issues. It aims to strengthen the quality of data production by mandating all MDAs and MMDAs to submit their statistical products to GSS while at the same time requiring GSS to establish a quality assurance framework including a code of ethics and practice for statisticians to regularly report the quality of statistics in the country to the government and people of Ghana.[14] Consequential amendments have also been made to other Acts, notably the Civil Service Act, 1993 (PNDC Law 327) and the Ghana Revenue Authority Act, 2009 (Act 791) which seek to ensure consistency and coherence in the production of statistics. The law aims to enhance the ability of GSS to modernise and innovate to enable the production of relevant and timely data. It also addresses new emerging areas for statistical data collection including reporting on the 2030 Agenda for Sustainable Development, African Union Agenda 2063, and the National Development Framework. Furthermore, the law emphasises the importance

[14] To enable GSS to quality assure these additional publications, adequate resourcing will be important to ensure that it does not become a bottleneck for other agencies to publish statistics, thereby reducing the amount of statistical information published by the government.

of adequate funding for the GSS – an illustration of parliament exercising its authority to protect a robust statistical system, a key role, as was emphasised by IPU (2016, p. 9) and UNDP (2017, p. 25), of national legislatures in supporting transparency and accountability for the SDGs.

In addition to supporting the core functions of the GSS, the law also creates space for it to operate more independently on its own mandate as well as in its relationships with other stakeholders. Notably, the law emphasises the independence of the Government Statistician in line with international best practice, as is emphasised in the African Charter on Statistics (AU, 2009). This is a significant development in the Ghanaian context where the president appoints the Government Statistician in consultation with the Council of State (GoG, 1992, Article 186). MPs were quick to point out that the new Act must still operate within the bounds of the constitution, with the Majority Leader arguing:

> People tend to lampoon the Statistical Service because they think that since the President appoints the head, necessarily the person must bow to the dictates of the President … My proposition is that we may have to look at that construct in the constitution [that the President appoints the Government Statistician] I believe that the President may be required to do that with the prior approval of Parliament, as that would insulate the Statistician from the politicization that people subject that office to. That is one way of clearing mischief (Parliament of Ghana, 2019, p. 3629).

The Act also allows GSS to form partnerships for the production of statistics, data sharing and facilitation of innovations in statistics. The Act provides for the establishment of a National Advisory Committee of Producers and Users of Statistical Research. This is an important development in a context where the government describes "low appreciation and knowledge of the use of statistics for development among leadership of MDAs [and] the commitment to support statistical activities is low" (Parliament of Ghana, 2019, p. 3583). This also aligns with global advice, for instance, from UNDP which advises parliaments to "consider working with national statistical offices to identify gaps in data collection and reporting and to work on how information is collected, disaggregated and provided to parliament" (2017, p. 37). This refined mandate to work with external stakeholders has important possible implications for the perceived integrity of government-generated data and the trust that consumers of data place in the data.

The passage of the new statistics law provides the GSS with several opportunities to expand partnerships with critical stakeholders, both data producers and consumers of data. As a member of the SDGs' Implementation Coordinating Committee, GSS is involved in streamlining, strengthening cross-sectoral coordination, and building multi-stakeholder partnerships in the implementation, monitoring, evaluation and reporting of the SDGs. GSS thus has the opportunity through DAP project to better engage parliament in terms of knowing how parliament works, building relationships with some of the key actors in parliament, and appreciating and understanding the SDGs' data needs of parliament. This has the potential to help GSS frame and adapt data to the specific needs of parliament and thus engender trust and enhance uptake of data from parliament. Parliament can play its part by leveraging its partnership with the GSS to become much more involved in SDGs' implementation, especially in tracking budgetary allocation to SDG-specific interventions and carrying out more effective assessment of national SDG goals. Global guidelines identify two major ways that parliament can engage with statistics services: by protecting their independence and resourcing, and by enhancing partnerships and collaboration. In Ghana the important groundwork has been laid for both.

Conclusion

Monitoring the implementation of the SDGs presents a global challenge for governments and statistics agencies, not least because of the sheer number of goals and indicators and the many data gaps across these. **Having been largely overlooked in the MDGs, parliaments around the world are now exploring their role in the SDGs as fundamental actors in modern democracies tasked with the responsibility of holding government to account on behalf of citizens**. This includes a focus on 'localising' the SDGs and their improved integration within domestic accountability mechanisms at multiple levels. It also includes protecting the independence and resourcing of national statistical agencies as well as deepening engagement with these and other actors in the statistics system.

Ghana has played a leading role in the SDGs globally and has established a detailed multi-stakeholder national SDG architecture in recent years with the Ghana Statistical Services playing a critical role. **However, while there has been shared recognition of the role of parliament within this response, engagements between parliament and the national SDG bodies in Ghana,**

including the Statistics Service, have so far been limited. We have shown that the executive branch of government continues to dominate the SDGs' agenda and structures in Ghana, despite the explicit aims in the SDGs to include a greater focus on accountability than in the MDGs. This is emblematic of Ghana's overall democratic structure which is characterised by a concentration of power in the executive branch as well as by the blending of executive and legislative functions. There are a range of capacity gaps in parliament which limit the ability of staff and MPs to effectively access, appraise and use data and other forms of evidence to inform decisions. Within the statistics system, a number of factors affect this interface, including the need to strengthen the quality of data production on the SDG indicators; the limited overarching links between research producers and users in Ghana; and the nascent mechanisms to track budget and expenditure on SDG targets.

Against this backdrop, the new Statistics Act, combined with the new SDG engagement and implementation structures and the recent science advisory system reforms, create a unique opportunity to strengthen the interface between parliament, the statistics system and the SDGs in Ghana. At this early stage these new structures appear to present simultaneous windows of opportunity, and we anticipate that the degree to which these can be leveraged will be affected by how the structures are practically implemented in the future and by any shifts in the political landscape during the 2020 election. While there is important progress being made and there are a number of encouraging recent developments to build on, there is also an opportunity to strengthen trust and understanding between parliament and the statistical system and thereby contribute to strengthening democratic accountability in Ghana. In the coming years it will be important to see to what extent the key actors are able to leverage these windows of opportunity for greater collaboration.

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5

KENYA: PARLIAMENTARY INSTITUTIONS AND IMPLICATIONS FOR EVIDENCE USE



Marale Sande, Humphrey Ringera and Diana Warira

Setting the stage: Country context

Kenya is a democratic republic with a bicameral parliament comprising the National Assembly and the Senate, each with its own roles (Constitution of Kenya, Article 93). The Constitution designates the Senate as the representative of the counties and mandates it to 'protect the interests of the counties and their governments' (Constitution of Kenya, Article 96) while the National Assembly 'represents the people of the constituencies and special interest' (Constitution of Kenya, Article 95). Further, the Senate enjoys wider power such as the ability to impeach the President, Deputy President, Governor and Deputy Governor.

Kenya's economy is market-based and the country is generally perceived as a regional commercial hub. Kenya has recorded an average economic growth rate of 5-6% in GDP over the last five years, and since 2014 the country has been ranked as a lower middle-income country. The medium-term GDP is expected to rise to 5.9% in 2020 underpinned by private consumption, a pick-up in industrial activity and strong performance in the services sector (World Bank, 2019). Economic growth is also envisaged to be driven by ongoing key investment to support implementation of the 'big four' development agenda.[1]

While the country boasts steady economic development, this growth is undermined by extremely high unemployment and underemployment. The country continues to face the challenges of inadequate infrastructure, high income inequality and poverty which vary from region to region and across different groups. It is also exposed to risks related to external shocks, terrorism and climate change.

The Constitution of Kenya and the role of parliament

The Independent Constitution of 1963 (*Majimbo* Constitution) provided for a bicameral parliamentary system comprising the Senate and House of Representatives. However, these constitutional arrangements were short-lived as the period between 1964 and 1966 saw several constitutional amendments intended to re-design the structure of the post-independence state which also rendered the Senate completely ineffective (Kirui & Murkomen, 2011). In 1966 the Senate was finally abolished and merged with the House of Representatives

[1] The big four agenda priorities manufacturing, universal healthcare, affordable housing and food security.

(Republic of Kenya, 1966) creating a unicameral parliament. The powers of the prime minister were consolidated in the presidency creating an imperial presidency. The hostile political environment and the desire for regime consolidation eliminated free debate and subsequently the use of evidence was a non-issue. The legislature ceased to be an arena for deliberation of public policy and started acting as a 'rubber-stamp' for executive decisions. The role of parliament was mainly that of a friendly critic whose job was to fine tune, not to challenge, the legislation proposed by the executive (Barkan, 2009). However, parliamentarians exercised oversight, albeit minimally, through parliamentary questions and through debates arising from the presidential speech (Barkan & Matiang'i, 2009). Parliament suffered institutional weakness and did not have the relevant expertise necessary for effective research-evidence utilisation.

The Constitution of Kenya promulgated in 2010 was therefore the gateway to various changes including the structure of government and overall mandate and functions of parliament. The Constitution enhanced the core functions of representation of the people, the enactment of legislation, the appropriation of funds for expenditure by national government and state organs (Constitution of Kenya, Articles 93-96); and provision for oversight of government expenditure during and after execution of the budget (Constitution of Kenya, Article 95 ss. (4) (b)).

At the centre of all these changes is a devolved system of government comprising the national government and county governments. The constitution re-introduced a bicameral two-chamber parliament, a departure from a hitherto unicameral parliament that had existed in the country since 1966 when the first Senate was abolished through constitutional amendments. It also transformed parliament from a budget-approving parliament to budget-making one; increased the number of constituencies; and expanded representation.

For example, the supreme law provides that the Senate consists of 68 members – 47 senators elected directly from each county constituting a single-member constituency; 16 women senators nominated by the political parties on the basis of the proportion of the seats they control; 2 senators, (a man and a woman) youth representatives; and a further 2 representatives of persons with disabilities (also a man and a woman) and the Speaker (Constitution of Kenya, Article 98). Additionally, law requires that the National Assembly comprises 350 members consisting of 290 members elected from single-member constituencies;

47 women representatives elected from the 47 counties, each constituting a single member constituency; and 12 special-interest representatives nominated by political parties in accordance with the proportion of their seats in the National Assembly, and the Speaker (Constitution of Kenya, Article 97).

Parliament and the budget making process

The constitution requires that the legislature assumes a pivotal role in the budget-making process (Constitution of Kenya, Cap. 12) and provides for activities that entail pre-budget debates, the review of the medium-term budget expenditure, approval of supplementary budget estimates, and oversight of the watchdog institution's reports (Constitution of Kenya, Article 95 ss 4). This is a departure from the past where parliamentary roles during the budget-making process remained limited and the executive enjoyed wide discretion in expending public resources.

The National Assembly is involved throughout the budget process including the planning, formulation, approval and evaluation stages (CABRI, 2018). The Senate determines the allocation of national revenue among counties and provides oversight on the allocation of national revenue to county governments (Constitution of Kenya, Article 217; Article 96. ss 3).

Further, the Public Finance Management (PFM) Act 2012 enhances the role of the legislature by further defining the roles and responsibilities of the legislature in the oversight and control of financial matters. These include monitoring and reviewing budget proposals and approving such proposals (PFM Act 2012, Sec. 7, 8).

Prior to this transformation, the budget-making process was an almost secretive affair of the executive where parliament would be presented with incremental budgets with minimal explanation and non-existent scrutiny. The current processes for budget preparation coupled with the establishment and institutionalisation of the independent accountability offices, including those of the of the Controller of Budget (CoB) and the Auditor-General (A-G), have had ramifications on both the budget process and on the extent of evidence uptake and use in parliament. Nonetheless, the Parliamentary Service Commission's technical departments like the Parliamentary Budget Office (PBO) and Parliamentary Research Services (PRS) exist to fill the information gap by

synthesising and making the requisite information accessible and available to parliamentarians for sectoral budget scrutiny and decision-making. This is unlike in the past where the budget proposal was tabled before parliament and passed in record time without questions or possible amendments.

Enhanced separation of powers

Prior to 2010, the concept of separation of powers of the three arms of government was non-existent. The Cabinet was appointed from members of the legislature; the president was empowered to summon, prorogue and even dissolve parliament (Kivuva, Odhiambo & Mbeya, 2011); and the executive planned and budgeted for both the legislature and the judiciary.

The 2010 Constitution, however, provides for a presidential system technically expunging the executive representation from the legislature. This clearly defines the role of parliament and enhances the independence of the three arms of government with the aim of promoting a culture of checks and balances. The practical implication of these changes is the enhanced role of House committees and the key role played by respective chairpersons to match the executive bureaucracy for effective oversight. This arrangement therefore places the onus on the legislature to question government policies from an informed perspective.

Electoral system

The constitution provides for direct election of representatives by the Kenyan electorate for a term of five years following elections held every five years on the second Tuesday in August. The Kenyan electoral process is guided by a comprehensive electoral and legal framework including the ratification of major international instruments that cover electoral rights and compliance.

Apart from the constitution, the Election Laws (Amendment) Act 2017; the Independent Electoral and Boundaries Commission Act, 2011; and the Political Parties Act, 2011 are among the laws that guide parliamentary elections whose outcome is by simple majority of the votes cast in the election within the relevant constituency.

In terms of gender and equity responsiveness in the governance processes, the constitution has created opportunities for women with the two-thirds gender rule, however, the absence of a clear mechanism for its implementation has hindered its application. As such, women continue to struggle to compete with their male counterparts in a bid to gain political relevance and leadership.

A case in point occurred during the 2017 general elections where women candidates comprised 1 300 out of a total of 14 523 candidates (9%), and only 172 (13%) of these women candidates were elected hence accounting for 22% of seats in the National Assembly and 31% in the Senate. Despite the low numbers in absolute terms, this represented the largest number of women in elective positions since independence.

Table 5.1 Distribution of female and male members of parliament in 2013 and 2017

		2013			2017		
		Elected	Nominated	Reserved	Elected	Nominated	Reserved
National Assembly	Men	274	7	0	267	7	0
	Women	16	5	47	23	5	47
	%	5.5%	41.7%	100%	7.9%	41.7%	100%
Senate							
	Men	47	2		44	2	
	Women	0	18		3	18	
	%	0%	90%		6.8%	90%	

Source: Parliament of Kenya website

The number of women in the bicameral parliament has increased thanks to a quota system where special seats for women have been set aside through the constitution resulting in increased political visibility. The increased visibility and influence have resulted in increased participation of women in the political process and decision-making where women leaders have been able to advance the cause of equality by providing valuable input in deliberations on important national issues and gender-sensitive legislations (Anyango, Alupo & Opoku, 2018).

Some of the issues covered by female parliamentarians include healthcare, water, food security, waste management, disaster and risk management, public procurement, youth, environmental conservation and marriage-related issues

(Mzalendo Trust, 2017). Of importance to note are the legislations sponsored by women which include the Reproductive Health Bill 2019; Assisted Reproductive Technology Bill, 2016; the Community Health Service Bill, 2020; the Care and Protection of Child Parent Bill, 2019; the establishment of Children's Homes Bill, 2019; the Kenya Sign Language Bill, 2019; and the Cancer Prevention and Control (Amendment) Bill, 2019, among other legislative proposals.

The increased number of female parliamentarians has impacted on parliamentary culture including the establishment and strengthening of Kenya Women Parliamentarians Association (KEWOPA) and Kenya Women Senators Association (KEWOSA). Both KEWOPA and KEWOSA have been instrumental in strengthening the capacity of women parliamentarians to contribute to the legislative agenda and to add impetus to the goal of establishing robust structures for effective representation at county and constituency levels.

Political party dynamics

The constitution guarantees the right to freedom of association of every person and the right to make political choices freely (Constitution of Kenya, Article 38) including the right to form and participate in the activities of a political party as they are deemed to serve as vehicles for candidates to compete for and attain elective offices. The constitution also sets out basic requirements for formation of political parties (Constitution of Kenya, Article 91) and specifically requires parliament to enact legislation to provide for regulation of election campaigns, roles and functions of political parties, and the establishment and management of political parties' funds.

This informed the enactment of the Election Laws, 2017; the Elections Offences Act, 2016; and the Election Campaign Financing Act, 2013, amongst others, culminating in the election of 20 parties at the National Assembly and 8 in the Senate in the 12th Parliament.

Political parties influence policy through their manifestos and are deemed appropriate institutions for political socialisation, leadership training and mentorship. In the case of Kenya, this is far from the truth as political parties are structurally weak, lack defined ideology or policy positions and are often designed only as vehicles to contest elections. With the fluid nature of their political parties, politicians can switch allegiance from one political party to the

other with ease and this breeds impermanence and unpredictability, making it difficult for candidates to commit to a political party (Bouka, Berry & Kamuru, 2019). Nominations are usually plagued by a wide range of irregularities, incidences of violence, intimidation, and targeted attacks against minorities and the marginalised. Many parties show signs of unpreparedness and poor management thereby impacting negatively on the credibility and integrity of the nomination process (Carter Centre, 2018). Additionally, political elites have tended to coalesce around regional and ethnic identities resulting in formal or informal coalitions with weak and unstable foundations. This scenario has further weakened political party institutions, political party loyalties and ultimately party participation in parliamentary discourse.

In terms of gender and youth representation, political parties fall short of the constitutional requirement of the two-thirds gender rule (Constitution of Kenya, Article 81b) partly because there is no clear provision in the statute requiring political parties to adopt these affirmative action measures and consequently there are no penalties for non-compliance. In most cases, the youth and women do not hold positions of political influence within the party and occupy lower positions that have minimal influence on party decisions.

These dynamics have resulted in a high turnover in parliament which results in a new cohort of parliamentarians with each subsequent parliament. Many possess minimal political experience and lack familiarity with legislative rules and procedures thus limiting their ability to fulfil their roles with confidence. In the long term, the high turnover undermines the parliamentary efforts towards evidence-informed decision-making since new members take an inordinately longer time to be inducted.

Table 5.2 Terms served by the members of the current 12th Parliament (2017-2022)

11th Parliament (2013-2017)			12th Parliament (2017-2022)		
No of terms	Members	Percentage	No of terms	Members	Percentage
1st Term	251	72%	1st Term	194	56%
2nd Term	71	20%	2nd Term	121	35%
3rd Term	20	6%	3rd Term	23	6%
4th Term	5	1%	4th Term	10	3%
5th Term	2	--	5th Term	1	-

Source: Parliament of Kenya Archives

While political parties have been known to be vehicles for political expediency, the constitution also provides for independent candidacy (Constitution of Kenya, Article 99), with 25% of candidates in 2017 contesting as independents, 21% of whom were women (NDI & FIDA-K, 2018). The 12th parliament consists of 15 independent parliamentarians, 14 of whom are members of the National Assembly and 1 Senator. This is compared to 5 in the 11th parliament.

In terms of evidence use, it has been observed that there is an increased likelihood of independent members making use of evidence compared to evidence use by members aligned to a political party. This is because those who are affiliated to a political party tend to rely largely on party positions and are therefore likely to be influenced by factors other than evidence provided by the technical staff when making decisions.

The organisational arrangement and impact on evidence uptake

Governance systems and processes continue to evolve. In the case of Parliament of Kenya, its dynamism dates back to the early 1970s following the legislature's quest for autonomy from the executive. This call was initiated by a motion calling for a resolution by parliament tabled before the House for debate by the late Hon. Jean Marie Seroney (Government of Kenya, 1999; National Assembly of Kenya, 2017, p. 9).

In 1965, parliament's administrative functions had been moved to the executive. This meant that parliament's independence was being curtailed thereby influencing the manner in which it undertook its roles of oversight, legislation and representation. In essence, parliament remained a 'rubber stamp' of the executive without the *locus standi* to question its policies and decisions. The implication of this situation on the use of evidence was obvious as this did not provide the necessary opportunity or motivation for parliamentarians to call for information and evidence. Nelson's (1975) typology of parliaments links the information need of parliaments to their functional levels arguing that the 'desired level' of parliamentary functioning will have an important bearing on the need for information and research (Miller et al., 2004). This also explains the absence of an independent structure to support its operations. The push for parliamentary reforms re-emerged after 1992 following multiparty democracy.

However, the eighth Parliament (1998-2002) can be credited with making deliberate and practical steps towards the implementation of the previously mentioned resolution by pushing for the institutionalisation of parliament.

The process commenced with the then MP for Alego constituency, Hon. Peter Oloo-Aringo formally tabling a motion to establish the Parliamentary Service Commission (PSC). This was first achieved by means of a constitutional amendment – the Constitution Amendment Act, 1999. Subsequently, this was scaled up through the introduction and enactment of the Parliamentary Service Act in 2000. The debates following the calls for an established commission hinged on the autonomy and independence of parliament. At that time, MP Hon. Peter Anyang' Nyong'o stated:

> We should also have a PSC that will ensure that Parliament functions autonomously from the Executive ... It would not be necessary to appeal to another department of Government to help the Public Investigations Committee (PIC) when it holds a meeting. (Government of Kenya, 1997, p. 3233).

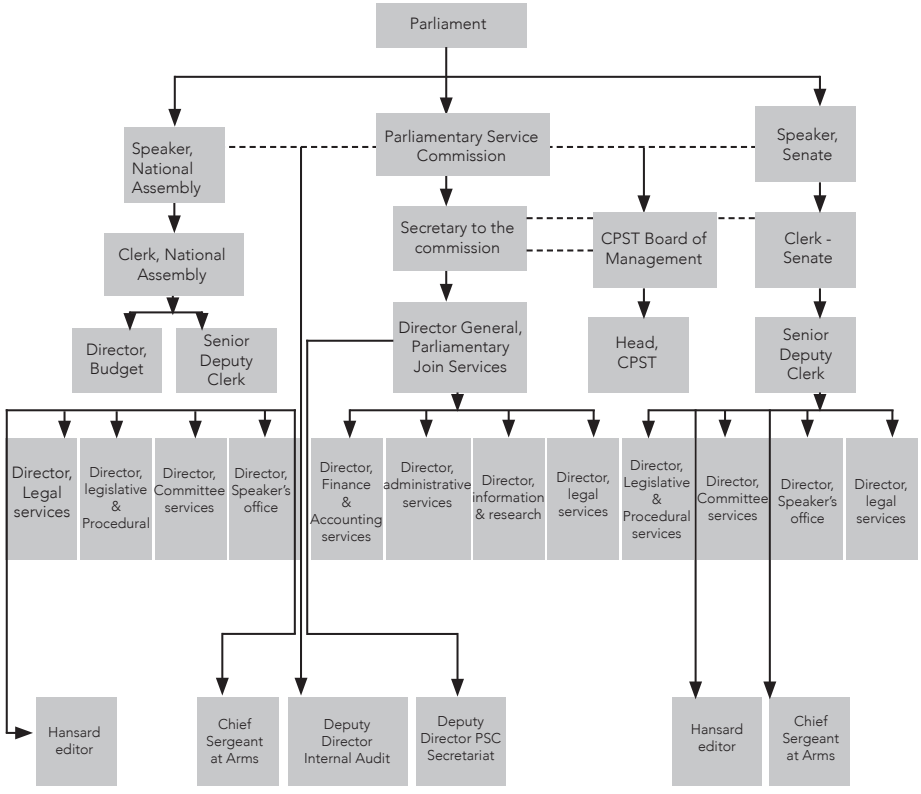

Figure 5.1 Structure of the Parliamentary Service Commission (revised 2012)

Source: Parliamentary Service Commission Strategic Plan 2008-2018

The supreme law reinforced the parliamentary reform momentum and beneficial results became evident in 1970. Article 93 and Article 127 (1) of the Constitution entrenched the legislature and established the Parliamentary Service Commission (PSC), respectively. Article 127 (6) includes the following key responsibilities:

- Ensure efficient and effective functioning of parliament;
- Provide human resources in the parliamentary service;
- Prepare budget estimates for the parliamentary service and submit to the NA for approval; and
- Undertake programmes to enhance parliamentary democracy for MPs and staff.

The outcome for evidence use was that the commission, either on its own or through networks and collaborations, had the space and was backed by a legal framework to develop policies, implement structures, and allocate the necessary resources to support the institutionalisation of evidence for decision-making in parliament. Prior to the establishment of the commission, this was not the case. The Parliamentary Service Act, 2000 has since been repealed and replaced by the Parliamentary Service Act, 2019, which makes further provisions regarding PSC and the parliamentary service as re-established under the 2010 Constitution.

a) The commission

Parliament's organisational structure is influenced by the changing political and parliamentary processes and continues to transform as the need arises. For example, the current structural arrangement was informed by the 2010 Constitution in terms of the constitutional provisions relating to the execution of the constitutional mandate of parliament; bicameral context in a presidential system; enhanced separation of powers; increased numbers of constitutional leadership offices as well as MPs and their constitutional responsibilities. As such, the structure is organised at two levels: policy, the policy organ being the PSC (1 Constitution of Kenya, Article 27), and management being the Clerks of the two Houses (Constitution of Kenya, Article 128).

The policymaking organ of parliament consists of 10 members. The chairperson who is the Speaker of the National Assembly, and 7 MPs (from either House, with 4 from the ruling party(ies) and 3 from other parties) appointed by parliament from among its members. Others are 2 persons (of either gender) appointed by

parliament from among persons who are experienced in public affairs but are not MPs. The Clerk of the Senate is the secretary to the commission and hence the link between the commission and the management.

The commission works through committees to facilitate the proper discharge of its mandate. Of particular interest to structures supporting evidence within parliament is the Committee on Information and Public Communication. This sub-committee reports to the commission and deals with policy issues relating to information dissemination and outreach, research, knowledge translation and communication. The committee is responsible for the conceptualisation and push for a paperless solution and the institutionalisation of e-parliament for a more effective and efficient parliament.

b) The Senate service, National Assembly service and parliamentary joint services

These constitute the broad implementing organs of parliament. They are administratively headed by the Clerk of the Senate, the Clerk of the National Assembly and the Director General, respectively. The service boards of the respective services further provide a platform for making decisions for individual services.

In discharging their duties, the heads of the three services are supported by the directors under the various directorates key to the functioning of parliament. However, the directorates and departments that directly interact with evidence in supporting parliamentarians to undertake their mandate are the PBO, the Directorate of Legal Services, and the Directorate of Information and Research Services (DIRS).

c) Technical directorates and offices

These directorates, offices and departments support evidence use in parliament in varying ways. They were established in response to recommendations of various PSC consultancy reports and tribunals appointed by the PSC to review and advise on institutional human resource and organisational structures key to supporting the functioning of parliament. In making recommendations to justify their establishment, the importance attached to supporting parliamentarians in decision-making through the provision of information and evidence is noted in the Akiwumi Tribunal report recommendation which observed that " in order that the Members of Parliament may make quality contributions and

debates, not only, in Parliament but also, at the constituency level, the Tribunal recommends that enough qualified research assistants should be deployed to assist Members of Parliament in research and other related activities" (Akiwumi Tribunal Report, 2009).

The legal and legislative sections provide the legal and procedural support and evidence to MPs and House committees. The Parliamentary Research Services (PRS) established in 2003 provides reviews through synthesised analysis of proposed legislation, policies and programmes to individual MPs, constitutional office holders, as well as House committees and staff. The PRS is one of the five departments and units under the DIRS. While this arrangement has worked over time, caution is required to ensure it does not compromise the supply of evidence in terms of access to substantial resource requirements and hinder the institutionalisation of a robust quality control mechanism.

The role of parliament as a budget-making parliament is articulated in Chapter 12 of the Constitution on public finance with Article 221 specifically outlining the procedures and timelines for the enactment of the annual appropriation Bills and subsequent approval of the budget estimates. Following a resolution of parliament, these provisions, among others, justified the establishment of the PBO in 2007 as a unit under the DIRS.

The realisation that PBO is focal to the success of parliament as a budget-making parliament resulted in its subsequent elevation to a directorate in 2010. The office bridges the information and research evidence gap between the legislature and the executive by synthesising information from ministries, departments and agencies (MDAs) thereby providing alternative views on matters of finance and economy.

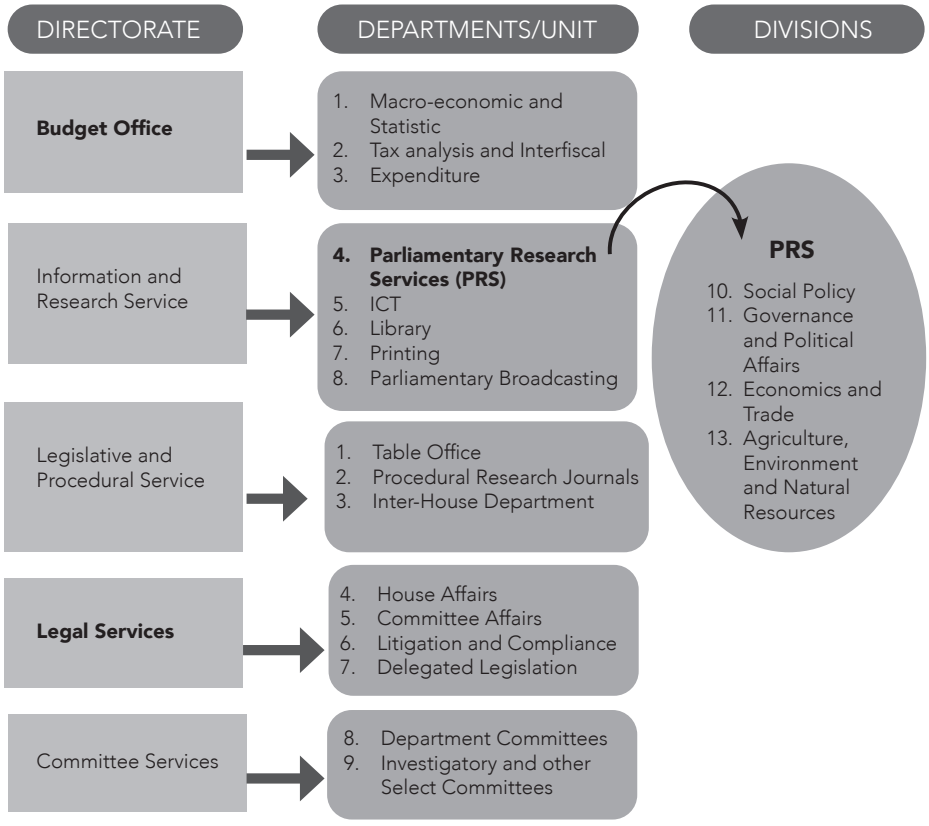

Figure 5.2 Technical departments within the PSC structure

Source: *Author generated*

Technical departments and resources to support evidence

The three key departments are Legal Services, PRS and PBO and they support parliamentarians in various ways and extents to fulfil their mandate. This is achieved by searching for the best available evidence which they appraise, synthesise (simply and objectively), and then communicate the information to parliamentarians. However, institutional barriers, including inadequate financial resources to support the generation and use of evidence in parliament, remain obstacles to parliament's quest to become transformative.

A study undertaken in parliament under the auspices of the Ministry of Health observed that institutional barriers remain key constraints to research evidence and data use in decision-making within parliament (MoH & AFIDEP, 2014, p. 23). According to Miller et al., "the scale of resources sets a transformative legislature apart from an informed one as the former sets aside substantial

resource requirements and has a generous allotment of personal staff, strong and well-staffed committees and a large research group capable of developing policy options" (Miller et al., 2004, p. 3).

Table 5.3 Budget allocation between 2015/2016 and 2019/2020

FY Directorate/Dept	2015/16 (Kshs 000)	2016/17 (Kshs 000)	2017/18 (Kshs 000)	2018/19 (Kshs 000)	2019/20 (Kshs 000)
Parliamentary Budget Office	83 677	99 997	126 436	184 115	224 997
Parliamentary Research Services	384 000	582 500	492 125	630 081	491 437
Legal Services (Senate)	-	59 000	56 990	68 549	61 341
Legal Services (National Assembly)	-	117 000	118 250	121 820	127 100

Source: Finance Dept. Parliamentary Service Commission

Parliamentary committee formation

The committees of parliament derive their mandate from the constitution, supporting statutes and the Standing Orders (SO) of both the Senate and the National Assembly. Article 124 (1) of the Constitution provides that "Each House of Parliament may establish Committees and shall make Standing Orders for the orderly conduct of its proceedings, including proceedings of Committees".

Taking into consideration the bicameral nature of parliament, the supreme law further allows the legislature to establish and jointly regulate committees consisting of members of both Houses. As is the case in other democracies, committees of parliament are microcosms of the legislatures and allow specific MPs to review policy matters or legislative proposals in a more intimate manner than would be possible by the entire plenary.

The reforms in the committee system within the Parliament of Kenya can be attributed to change in the governance structure in 2010 from a parliamentary to presidential system. This means that some of the changes impacting on evidence systems and use are informed by the changing role of House committees.

Some examples are:

1. The enhanced role of committee chairpersons at both committee and plenary means that chairs are expected to lead the floor debate on a Bills or any policy issue within their purview;
2. The enhanced role of committees and, by extension, parliament, in both oversight and legislation, implies that the individual members or committees of respective Houses can introduce legislation for debate and enactment;
3. The enhanced role of departmental committees and, by extension, parliament in the budget-making process implies that respective departmental committees are expected to thoroughly scrutinise the budget proposals tabled before the National Assembly (Constitution of Kenya, Article 221) before approval at plenary; and
4. The transformation from a budget-approving to a budget-making parliament (National Assembly of Kenya, 2017b;) necessitated the establishment of a budget- and appropriation-specific committee in line with Article 221 (4) of the Constitution. This committee is referred to as the Budget and Appropriations Committee (B&AC).

The Standing Orders of either House further provide for the types and mandate of each committee which, in practice, are divided into the following broad categories: standing or departmental committees; oversight or public audit committees; housekeeping committees; and other select committees. Currently, parliament operates with 53 committees, (see annexure A.) Of the committees, 33 are National Assembly-specific and 20 are Senate committees.

The departmental or standing committees mirror the ministries within the executive across all policy areas. It is on this basis, therefore, that House committees perform their specific mandates to facilitate the oversight and legislative role of parliament. The Standing Orders of both the Senate and the National Assembly also outline the criteria for operations of committees in terms of the nomination and election of chairpersons and vice chairpersons, and membership, among others. The nomination of members to committees is the responsibility of each individual party and this is done by party caucuses or so-called 'parliamentary groupings' and the names of the members are subsequently adopted at plenary.

In principle, committee membership reflects the relative majorities of the parliamentary parties, the coalition of parties, or independent members. However, in some instances, members' expertise, skills and interests are taken into consideration when assigning members to committees (National Assembly of Kenya, 2017a) and while this may be considered best practice, it is not a requirement for MPs to possess qualifications in specific fields.

The Elections Act of 2011 may alter this practice for the elections to be held in 2022 as Section 22 of the Act restricts the nomination of a candidate for MP to those who hold a degree from a recognised university. Considering that MPs, irrespective of their area of specialisation, are expected to legislate and provide checks and balances over myriad policy issues, brings to the fore the essential role of evidence and knowledge brokers in the context of parliament. In this case, the PRS, PBO and Legal Services bridge the gap between research and policy by facilitating parliamentarians' understanding of how specific evidence can better inform policy or a legislative discourse.

Additionally, the chair and vice chairpersons of committees are nominated and subsequently elected by committee members by secret ballot. Requirements for leadership of departmental committees differ from those of oversight committees as the latter are chaired by members from a party not forming the government. This is imperative for oversight as the oversight committee relies on available evidence relating to appropriation of resources to check the executive.

Gender mainstreaming within committee membership and leadership are entrenched in the constitution under the terms of the regulation that not more than two thirds of any gender should be represented in any arrangement at any given time. However, gender disparities still persist within the committee. More than half of the committees in both the Senate and National Assembly are chaired by male MPs.

Further, all committees in either House have a male member majority. A case in point is that of the four committees of the assembly – Administration and National Security; Health; B&AC; and Transport, Public Works and Housing. Of the 19 members that make up the membership of these committees, female representation ranges between 13% and 21% across all the four committees. Further analysis on committee leadership shows that since the inception of the B&AC in 2012, the committee has had five chairs and three vice chairpersons of which only two were female.

The key mandate of the committee is to discuss and review estimates and make recommendations to the House among the other roles prescribed in the Public Finance Management Act of 2012. While it is possible that public engagement and departmental committee engagements with B&AC during annual budget scrutiny are likely to facilitate public participation in budget- and policymaking, this may not be the case for gender equity in budgeting. Further, these may have implications on the mainstreaming of gender issues in all policies and legislation. The above information must be interpreted with regard to the fact that the proportion of women accounts for 22% and 31% of the seats in the National Assembly and the Senate, respectively.

Committee research, evidence use and decision-making

The practice of delegating the parliamentary agenda to a small group of MPs is part of the established procedure of most parliamentary jurisdictions. However, in a presidential dispensation, the role of committees and their members is at a different level. Committees are the primary actors in the legislative and oversight process and, as such, must comply with the robust bureaucracy within the executive, a prerequisite for effective checks and balances. This calls for a committee secretariat with the capacity to facilitate the committee's undertaking of its mandate. One of the key roles is the synthesis analysis of proposed legislation, policies or programmes under consideration by the committee.

Among its other support staff, a standard committee secretariat in parliament requires three key technical and evidence specialists – a research and policy analyst, a legal counsel and a fiscal analyst (National Assembly of Kenya, 2019). While this may be the case in theory, in practice, research and evidence support in committees in parliament remains fragile. For example, PRS has assigned researchers and policy analysts to 46 of the 53 House committees. However, some serve in multiple committees with divergent policy issues. This translates to 29 committees of the assembly; and 17 in the Senate, including ad hoc committees likely to be constituted in the course of a specific session as need arises.

While PRS comprises policy analysts with diverse professional backgrounds, such as social science, natural resources management, law and economics, they are spread 'too thin' thereby compromising any potential benefits likely to arise from developing expertise and strength in a specific policy area. Even

though this may allow for multidisciplinary requests from parliamentarians, the sector-specific issues assigned to standing committees and their specialist roles require analysts to possess deep expertise in specific areas (IPU, 2015, p. 27). It is evident that this impacts on evidence uptake among parliamentarians and committees as such gaps compromise the quality of research output.

Committee research, evidence use and the Health Act No.2 of 2017

The Health Bill 2015, a government Bill sponsored by the then Leader of Majority of the National Assembly, Hon. Aden Duale, MP, was first published in the *Kenya Gazette* on 17 April 2015. The Bill was subsequently read for the first time in the National Assembly on 30 April 2015 and thereafter committed to the departmental Committee on Health for consideration pursuant to Article 118 of the Constitution and Standing Order no. 127 of the National Assembly Standing Orders.

The objectives and reasons for the Health Bill 2015 were to provide a framework for the development and management of an integrated health system; to coordinate the interrelationship between health systems; and to provide for the regulation of health care service and health care service providers, health products and health technologies. It is worth noting that health is one of the concurrent functions shared between the national and county governments in line with the fourth schedule of the constitution. This means that any health-related proposed legislation must be passed and, furthermore, must receive concurrence by both the National Assembly and the Senate. The implication is that either House has the opportunity to scrutinise such a proposed legislation while providing new insights on the basis of additional information and evidence.

Generally, committee membership in parliament consists of parliamentarians with diverse backgrounds and, as such, committee briefings are a key part of processing a Bill. Overall, the briefs require policy and legislative discourse to underpin the proposed law and the financial implications of the proposed law if it is enacted for implementation. As such, the research and policy analyst, the fiscal analyst and the legal counsel play a significant role in providing the policy outlay, the fiscal implication, and legal perspectives, respectively, of the

proposed legislation. This sort of evidence enhances members' understanding of a Bill and consequently enriches the debate on the proposed legislation throughout its consideration.

In the case of the Health Bill, some of the following policy questions arising from the Bill formed the basis for research and analysis by the research and policy analyst – provision of emergency treatment; management of health professionals; health financing; and effective ways of establishing inter-governmental coordinating mechanisms. Among other policy issues were the regulation of health products and health technologies (including human organs, blood, blood products, and other tissues and organs); traditional and alternative medicine; the role of the private sector in provision of health care; e-health and what it means.

The fiscal analyst provided information and evidence relating to budget and funding including the financial implication in actual terms of implementing the proposed health law and specifically the cost of implementing proposed policy shifts. Among others, these included ehealth; and financing the establishment of specific offices, structures and committees (office of the director general, health human resource advisory council, national health research).

The committee also benefitted from the expertise of the legal counsel in discourses relating to the Bill on issues likely to emerge and be contentious in a shared function scenario like health. These were, for example, the duties of the national and county governments as they related to the Bill; emerging inter-governmental and consultative frameworks in the health context; implications of the establishment of a health human resource advisory council; and the interface between the proposed health law and other existing health laws.

The Departmental Committee on Health held 35 sittings to consider and process the Bill to its logical conclusion. The sittings agenda ranged from in-house meetings to scrutinise the proposed law clause by clause, to receiving information and evidence from a broad range of other sources, and the reaching of consensus with Senate Health Committee members, especially on matters concerning county governments.

The sources of evidence included data and research evidence from health research institutions like Kenya Medical Research Institute (KEMRI) and the National Commission for Science and Technology and Innovation (NACOSTI).

Other sources included practice and citizen evidence which comprised evidence and information gained from implementers of health policies and practice (consultations and round-table meetings with the MoH – particularly the policy and planning department). Among other stakeholders were the Commission on the Implementation of the Constitution; the Council of Governors of the Pharmaceutical Society of Kenya; Public Health Society of Kenya; Kenya National Commission on Human Rights; Kenya Health Professional Society; Kenya Medical Association; Health System Management Association; and the Kenya Christians Professionals Forum.

The information and evidence was accessed, appraised, synthesised and disseminated to members either individually or through the committee in the form of policy briefs, background information briefs, statistical data, status reports, and monitoring and evaluation reports. As mentioned earlier in this section, the evidence from the various sources enabled members to understand and internalise the contents and context of the Bill thereby enriching the debate on the Bill at the different stages with consequent amendments of several clauses of the Bill. For example, on 24 May 2017 while moving the report of the mediation committee on the Health Bill, the chairperson of the National Assembly Committee on Health, Hon. Rachael Kaki Nyamai, MP stated:

> The National Assembly committee rejected the Senate amendment to clause 25. The justification was that the technical classifications are in line with the health policy 2014/2030 which provides for technical classifications as community, health centres, primary, referral facilities, secondary referral facilities and tertiary referral facilities (Government of Kenya, 2017, p. 3237).

Given the need for concurrence on the Bill by the two Houses, the Bill followed a similar process once committed to the Senate Committee on Health. During the National Assembly sitting on the 24 November 2016, the version of the Bill amended by the Senate was subsequently referred to a mediation committee in line with Article 113 (2) of the Constitution. The mediation committee, consisting of members of both the Senate and National Assembly, considered the Bill and reported to their respective Houses and thereafter the mediated version of the Bill was approved.

The Health Act 2017 can therefore be regarded a product of an intense balance between the best available research evidence, contextual evidence and experiential evidence (INASP, 2014, p. 18) supported by the critical role played

by the key technical staff within and outside of parliament in an environment of intense public engagement. It is an example of the enhanced role of committees in advancing the use of evidence and decision-making in parliament.

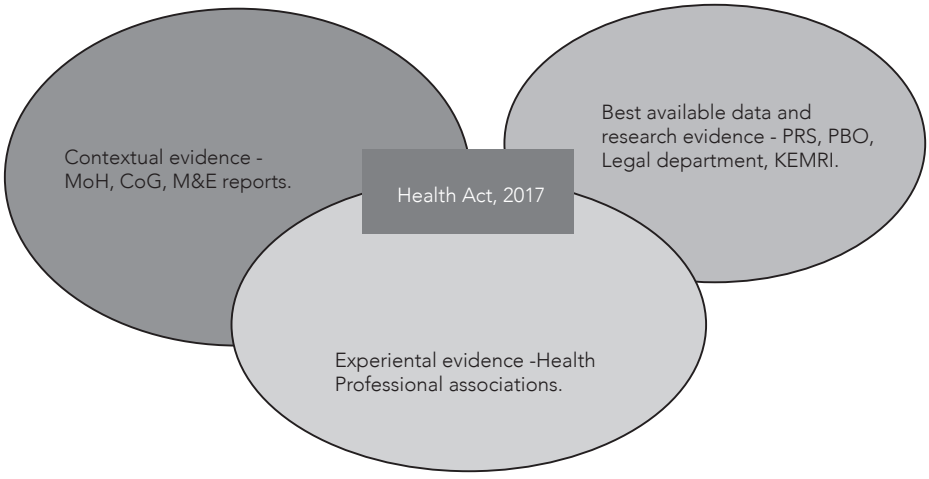

Figure 5.3 Interaction between types of evidence relating to the Health Act 2017

Source: *Author generated*

Technical capacity and practice of parliamentary support function

The Parliamentary Research Services (PRS) in Kenya's parliament is part of the Parliamentary Joint Services. Parliamentary research staff work closely with the library services to initiate and respond to research and information retrieval requests from parliamentarians. In March 2015, the Speaker of the National Assembly issued a directive that parliamentary researchers attend plenary sittings during the second reading of Bills. This was a move to ensure that evidence informed the deliberations of Bills as researchers had the opportunity to listen in on the discussions and provide relevant research and other types of evidence in the subsequent processes.

Prior to the directive, parliamentary researchers' input was mostly sought immediately after committal of the Bill to respective parliamentary committees to inform the debate during the second reading of the Bill. The move by the Speaker was therefore a critical move to ensure evidence played a significant role at all stages of the legislative processes. Some of the Bills that were

positively impacted as a result of this shift of legislative processes include the Kenya Roads Bill 2017 which benefitted greatly from the input from the PRS during the Committee of the Whole House despite the Bill lapsing before it could be enacted into law. The Bill has been re-introduced in the House and its progress is at an advanced stage. The Disaster and Risk Management Bill 2018 benefitted from input from various institutions and stakeholders working in collaboration with the parliamentary staff and committee secretariats.

The converse of this is that once enacted some laws have faced legal challenges owing to their implications. The first example is the County Government (Amendment) Act 2014 which established County Development Boards in each of the 47 counties in Kenya but was declared unconstitutional, null and void by the courts.

A second example is the Finance Act 2018. During the first reading and the public participation stages on the Bill, Section 63 was excluded and was introduced later during the second reading. The proposals included in the section required the banks to compel customers to indicate who their next of kin was. However, stakeholders provided evidence that this would violate the right to privacy as the introduction of substantive amendments to the Banking Act during the third reading of the Finance Bill was unprecedented and unconstitutional. The matter went to court and the courts nullified Section 63 of the Finance Act 2018.

While these examples may point to the fact that evidence did not inform the processing of the Bills, this may not be necessarily the case. Of critical importance is that the process of legislation and approving of policies by parliament is as much a political process as it is a legislative process and, as such, for evidence to inform policy and decision-making among parliamentarians, it should be timely, accurate and easily understood.

Technical capacities of parliamentary researchers

As of April 2020, the PRS and other technical departments that provide evidence to parliamentarians comprise research, policy, fiscal and legal analysts. The majority of staff possess qualifications at the level of master's degrees in various disciplines including, amongst others, social sciences, environmental sciences, international relations, law, medicine and political science. However, a few staff members possess doctoral degrees or, at entry level grades, bachelor's degrees.

Criteria for recruiting technical staff at entry level must fulfil certain requirements. For example, for appointment to the PRS at the entry level one must fulfil the following requirements:

1. Hold a bachelor's degree from a recognised university in a discipline such as Economics, Agriculture, Environmental Quality, Sociology, Political Science, International Trade/ Commerce.
2. Possess knowledge and understanding of the concepts and techniques of professional research, particularly on public policy analysis, and also have the ability to write and edit in a clear, concise and understandable manner.

This applies to other departments whose minimum requirements are geared at ensuring that the staff possess the basic research and analytical skills imperative for their assigned tasks. The resources available for parliament technical staff vary, with the parliamentary research library and the information technology department providing additional platforms to access data and research materials. These include internet connectivity and access to journals and databases. While mechanisms exist to strengthen evidence use among parliament researchers, there are several challenges inhibiting progress and sustainable use of evidence.

For instance, a 2014 study that assessed the use of evidence in health policymaking in Kenya outlined some of the challenges inhibiting the use of evidence in the Kenya Parliament as access-related, institutional- and personal-level barriers, see Table 5.3 below.

Table 5.4 Summary of challenges and constraints to evidence use in decision-making

Access barriers
◗ Lack of a mechanism for accessing research evidence: • No repository • No subscriptions to journals • Poor dissemination and packaging of research evidence ◗ Lack of or limited access to operations research or research in some specialised fields ◗ Poor data quality and a deficient health information system

Table 5.4 Summary of challenges and constraints to evidence use in decision-making (continued)

Institutional barriers
◗ Weak leadership for evidence use in decision-making ◗ inadequate institutional incentives for promoting evidence use in decison ◗ Inadequate funding to support the generation and use of research evidence in decion-making ◗ Understaffing ◗ Weak institutional linkages with research institution ◗ Lack of institutional forums for communicating research evidence to top-level decision-makers ◗ Lack of guidelines for research evidence and data use ◗ Suspicion about motives of research funders and the validity of their research evidence ◗ Politics and personal investes driving decision-making ◗ Lack of equipment software and systems to support souring and using research evidence and data
Individual barriers
◗ Inadequate technical skills for: • Analyse routine data • Access research • Interpret and synsthesise research • Summarise research into clear policy messages ◗ Inadequate time due to competing demands, made worse by the fact that research evidence is often not well packaged ease of comsumption by policymakers.

Source: Kenya MoH and AFIDEP, 2014.

According to the study, access barriers include a lack of access to data and research repositories in government agencies. These barriers highlight the challenges parliamentarians experience while undertaking their roles due to the absence of research and/or relevant data. Parliament's technical staff have very limited access to other data repositories, unless these are open access – for example, as described in Annexure B.

Other barriers identified by the study include the lack of journal subscriptions, poor sharing and packaging of research findings by state and non-state actors, poor data quality, and the lack of, or limited access to, operations research from specialised fields.

At the individual level, the study noted barriers to evidence use including inadequate technical skills to analyse routine data, access research, interpret and synthesise research, and summarise research into clear and compelling

policy messages. It is worth noting that some of the barriers shown in Table 5.3 have since been addressed, such as the absence of guidelines to support evidence use.

The African Institute for Development Policy (AFIDEP) in collaboration with the PRS published a set of guidelines[2] in June 2017 to guide parliamentary researchers on how to systematically access, appraise, synthesise and share evidence for decision-making. Other efforts to strengthen evidence use among parliament's technical staff include training and capacity-enhancement programmes. For example, in an effort to build skills the PRS provided staff training on how to develop policy briefs and this included exchange programmes initiatives with other parliamentary networks.

With regard to exchange programmes, two parliament researchers benefitted from a month-long fellowship at the United Kingdom Parliamentary Office on Science and Technology (UK POST) during which they were afforded the opportunity to increase their knowledge on developing capacity for analysing and packaging evidence. The programmes also enabled the nurturing of evidence champions among the staff. Despite these interventions, gaps still persist in terms of leveraging existing technical capacity which is a requirement for being recruited as a research analyst. It is evident from the current situation that the building of platforms likely to support evidence use requires not only the will to do so but also the provision of the necessary adequate resources.

Networks and other innovations

The Kenyan Parliament has benefitted from linkages with various organisations and networks in addition to adopting its own innovative practices to strengthen evidence-informed decision-making. However, despite these milestones, it may be necessary to establish a framework to sustain current networks and guarantee future collaborations.

Parliamentary Caucus on Evidence-Informed Decision-Making (PC-EIDM)

The PC-EIDM was founded by Hon. (Dr) Susan Musyoka, the immediate former MP for Machakos County during the 11th Parliament and subsequently launched in August 2015 as the Kenyan Chapter of the African Parliamentarians' Network

[2] AFIDEP (2017). Guidelines for Evidence Use in Policy Analysis and Decision-Making. https://bit.ly/3ElbboS

on Development Evaluation (APNODE). This a network of parliamentarians from Africa who champion the use of development evaluation. The establishment of the caucus was supported by the Speaker of the National Assembly, an indication of good will for evidence advocacy and use in parliament among the political class.

The caucus membership has remained non-partisan since its inception, drawing membership from both the Senate and the National Assembly with a current membership of 20 members. The transition to the 12th Parliament following the August 2017 elections culminated in Hon. (Dr) Makali Mulu, MP taking leadership as a co-chairperson together with Sen. (Prof.) Margaret Kamar, MP.

At its inception, the caucus set out to sensitise MPs on the value of evidence use in oversight and policy decisions and how this can be done by promoting the utilisation of evidence by members of various House committees in oversight of the activities and programmes of government ministries; advocating for and facilitating the strengthening of capacity of key public institutions to provide essential evidence as well as parliament's capacity to access and use evidence in its work; advocating for a shift from 'traditional' monitoring and evaluation to results-based monitoring and evaluation by government ministries; and promoting evidence-based engagement with members of the public and parliament.

As such, PC-EIDM exists to increase the interest of parliamentarians as key policymakers in utilising evidence while executing their mandate of oversight, legislation, representation and appropriation of resources. Further, it strives to create a pool of evidence champions among parliamentarians with an aim to institutionalise evidence use in decision-making within parliament.

So far, the caucus has achieved various milestones including the development of a new strategic plan (2019-2024). The first strategic plan was for the period 2015 to 2020 but the new caucus leadership led the development of a revised strategic plan beginning July 2018. Besides a new strategic plan to guide its activities and objectives, the caucus has undertaken advocacy activities through policy cafés to deliberate on key policy issues. For instance, the caucus hosted a policy café in June 2017 to explore how Kenya can achieve Universal Health Coverage (UHC). The outcomes of this café were insights and contributions relating to provision of the emergency services in the Health Act 2017.

The caucus has also hosted sensitisation workshops to create awareness on the value of evidence-informed decision-making (EIDM) in legislative decision-making and oversight among fellow parliamentarians. Examples of engagements of this nature include a forum hosted in July 2016 to sensitise members of the KEWOPA on the use of evidence in decision-making and the need to strengthen M&E. In 2019, M&E capacity-strengthening workshops were held with Africa Gender and Development Evaluators Network (AGDEN) and partners on expanding democratic spaces for more inclusive and equitable governance. These were aimed at ensuring a focus on gender responsiveness and equity in legislation by means of evaluation. This led to an increase in demand for disaggregated data, gender and equity budget analysis among parliamentarians.

The contributions of the PC-EIDM in institutionalising evidence use in parliament have been impressive with several documented milestones. However, the team has also faced several challenges. First, at its inception during the 11th Parliament, the chairperson was a member of the opposition with a resulting perception among other MPs that the caucus was an 'opposition outfit', with consequent slow uptake of membership and participation. Second, the caucus has experienced funding challenges which have impeded the capacity of the caucus to host EIDM-related events, particularly those aimed at raising the profile of the value of EIDM in legislatures.

The strategic plan of the caucus covers several innovative mechanisms to enhance EIDM in the Kenya Parliament as well as to promote networking and engagements with other African parliaments. However, financial struggles have impeded these ambitions. This challenge is compounded by the fact that most of the evidence partners who have contributed to the activities of the caucus are not funding agencies but are non-profit organisations who must also fundraise from other sources. Third, members of the caucus engage in other competing activities like House committee work, constituency assignments and other political meetings thereby relegating caucus activities to the periphery as participation is on voluntary basis. This has also been exacerbated by the onset of the Covid-19 pandemic in early 2020 during which containment measures hampered numerous activities including the planned PC-EDM activities prescribed in the 2019-2024 strategic plan.

Last, attrition following the loss of electoral positions in the caucus has significantly affected the progress of its mandate. For instance, the founder and then chairperson, Hon. (Dr) Susan Musyoka, was an ardent evidence champion who was committed to seeing the caucus succeed. However, after she lost her electoral seat following the August 2017 elections, it meant that the leadership of the caucus had to transition in the absence of the chairperson. In addition, among the consistent and committed members of the caucus during the 11th parliament, only one returned following the elections. This form of attrition after every election cycle means that with every parliament, the caucus must admit new members who must undergo orientation. It takes time before new caucus members have a clear understanding of its mandate and strategic vision, often with much of the first year of their tenure passing with little progress having been made in strengthening EIDM efforts.

Linkage with evidence partners

Beyond the PC-EIDM, the Kenya Parliament has also established and sustained partnerships with key players in the evidence-to-policy ecosystem. These include both state and non-state actors. State agencies include Kenya Institute for Public Policy Research and Analysis (KIPPRA); Kenya Medical Research Institute (KEMRI); and the Monitoring and Evaluation Department (MED), among others. Non-state actors with whom parliament has continued to collaborate include AFIDEP; Africa Gender and Development Evaluators Network (AGDEN); the Centre for Learning on Evaluation and Results for Anglophone Africa (CLEAR-AA); Evaluation Society of Kenya (ESK); and INASP, among others.

AFIDEP and CLEAR-AA have been key financial supporters and technical partners of the PC-EIDM with AFIDEP providing strategic guidance and technical support to caucus members since inception. Subsequent collaborations with AFIDEP and CLEAR-AA have included the review of the inaugural strategic plan and planning for engagement forums with other parliamentarians in order to raise awareness among members on the value of evidence-informed decision-making in legislatures. INASP has supported evidence use efforts by sponsoring engagements with new MPs during the parliament orientation week, an opportunity that led to increased numbers of champions among members. INASP further facilitated peer-learning platforms for parliament staff – learning forums that led to the exchange of ideas, and sharing evidence practices across some African parliaments. Other partnerships that parliament has engaged in include participation in the Network of African Parliamentary

Committees on Health (NEAPACOH), primarily by the Parliamentary Health Committee, some of whom were caucus members. While no substantial outcome has been realised from these engagements, suffice to say that these forums have provided an opportunity for Kenya, and members in particular, to commit on several issues including the push for an increase in general health budget towards the Abuja target.

Parliament researchers have also participated in forums hosted by parliamentary component of the International Federation of Library Associations (IFLA). In 2014, the head of PRS, Mr Bonnie Mathooko presented a paper titled *Adapting Research and Library Services in Parliament to the Changed Constitutional Framework in Kenya*, at the 80th IFLA General Conference and Assembly held in Lyon, France. The participation of parliament researchers in forums of this nature presents them with valuable opportunities to share lessons and experiences but also to learn from parliaments and players and forge new networks and relationships.

Parliament researchers have also organised and participated in the inaugural African parliamentary researcher's conference held in March 2019 in Nairobi under the theme *Realizing the potential of Parliamentary Research Services in African Parliaments*. In seeking to provide a platform for legislative researchers to mutually benefit from partnerships and to share best practices, information and knowledge, the conference sought to discuss the role of parliamentary research services in African parliaments, as well as promoting learning and exchange platforms across other PRSs, for example, by establishing a community of practice for African legislative researchers.

With at least 13 African countries in attendance, the conference resulted in the formation of the Africa Association of Parliamentary Researchers (AAPR) whose ideals are sharing knowledge and practices in evidence use and decision-making in the context of parliaments.

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Annexures

Annexure A: Committees of the Senate and National Assembly

National Assembly: Departmental Committees

1. Administration and National Security
2. Agriculture and Livestock
3. Communication, Information and Innovation
4. Defence and Foreign Relations
5. Education and Research
6. Energy
7. Environment and Natural Resources
8. Finance and National Planning
9. Health
10. Justice and Legal Affairs
11. Labour and Social Welfare
12. Lands
13. Sports, Culture and Tourism
14. Trade, Industry and Cooperatives
15. Transport, Public Works and Housing

National Assembly: Financial Audit and Money-Related Committees

1. Public Accounts Committee
2. Public Investment Committee
3. Special Funds Accounts Committee
4. Budget and Appropriations Committee

National Assembly: Select and Housekeeping Committees

1. Committee on Appointments
2. Committee on Delegated Legislation
3. Committee on Implementation
4. Committee of Powers and Privileges
5. Committee Regional Integration
6. Committee on Selection
7. Constituency Development Committee
8. Constitutional Implementation Oversight Committee
9. Liaison Committee
10. Members Services and Facilities Committee
11. National Cohesion and Equal Opportunity

12. Parliamentary Broadcasting and Library
13. Procedure and House Rules Committee
14. House Business Committee

Senate: Standing Committees

1. National Security and Foreign Relations
2. Agriculture, Livestock and Fisheries
3. Information, Communication & Technology
4. Education
5. Energy
6. Lands, Environment & Natural Resources
7. Finance and Budget
8. Health
9. Justice, Legal Affairs and Human Rights
10. Labour & Social Welfare
11. Tourism, Trade and Industrialisation
12. Roads & Transportation
13. Devolution and Intergovernmental Relations
14. National Cohesion and Equal Opportunity

Senate: Sessional Committees

1. County Public Accounts and Investments
2. Delegated Legislation

Senate: Housekeeping Committees

1. The Powers and Privileges Committee
2. The Liaison Committee
3. The Procedures and Rules Committee
4. The Senate Business Committee

Source: *National Assembly Standing Orders and Senate Standing Orders*

Annexure B: E-Resources available at parliament library

The Kenya Parliament Library is a member of the Kenya Library and Information Services Consortium (KLISC) whose mandate is to promote the interests of libraries and information services. KLISC is committed to maintaining, monitoring, promoting and exploiting knowledge management for learning, teaching, decision-making, innovation, research, community service, and national development. The Kenya Parliament Library subscribes to the following e-resources through KLISC and via an Internet Protocol (IP) address: 192.168.150.21 accessible ONLY using the computers on the institution's network:

BRITISH INSTITUTE OF RADIOLOGY JOURNALS
URL: http://www.birpublications.org//

CAMBRIDGE UNIVERSITY PRESS - CAMBRIDGE JOURNALS ONLINE
URL; http://journals.cambridge.org//

DE GRUYTER LIS BOOKS
URL: https://www.degruyter.com//

GEOLOGICAL SOCIETY – THE LYELL COLLECTION COMPLETE
URL: http://www.lyellcollection.org//

IMF ELIBRARY
URL: http://www.elibrary.imf.org//

IOPSCIENCE
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5.1

NOTES FROM PRACTICE: PARLIAMENTARY COORDINATION WITH THE EVALUATION SOCIETY OF KENYA

Jennifer Mutua

Recent collaboration between the Evaluation Society of Kenya (ESK) and parliament has demonstrated the role that Voluntary Organisations of Professional Evaluators (VOPES) play in parliamentary systems of evidence use. Both stakeholders share an interest in strengthening systems of evidence use, in both government and civil society, making them natural partners for capacity-building initiatives and partnerships.

The Evaluation Society of Kenya was established in 2008 and formally registered in 2011. Membership is drawn from across all sectors and stakeholders (civil society organisations, government, academia, private sector, students and development partners (including UN Agencies). This is in the national context of donor-led M&E, the National Monitoring & Evaluation System (NIMES) and County Monitoring & Evaluation System (CIMES), which have evolved over the past decade. They track the implementation of the Vision 2030 in alignment to the Sustainable Development Goals (SDGs), which also guides parliament's strategic areas of oversight. The Monitoring and Evaluation Department (MED) is responsible for operationalisation and coordination. Against this backdrop, there is increasing global acknowledgement and appreciation for the transformative potential of M&E for improved developmental outcomes and impacts for citizens. A recent display of data use demonstrated the extent to which data led the management of national and global responses to the COVID-19 pandemic in its attempts to measure the devastating socio-economic impacts. This response has served to sharpen the focus on the critical importance of evidence. These incidences have undoubtedly highlighted strategic opportunities related to evidence use in pursuit of national support for M&E and, by extension, to the NIMES/CIMES and ESK.

Alliance building is one of the key strategies being employed in ESK's action plan, and it involves bringing more stakeholders into MED/ESK collaborations, guided by the consultatively developed TWG's Terms of References (TORs).[3] This is a multi-dimensional and multi-stakeholder approach involving advocacy, capacity building (with a special focus on the evaluation function vis-à-vis monitoring) and revision of Kenya's national standard curriculum of M&E. It is envisaged that the curriculum will promote the professionalisation process of M&E, whose mandate – similar to other professions – falls under the society.

[3] Terms of References for the Technical Working Group of the Sustainable Development Goals Evaluation (2016-2020) Stakeholder's Network: Towards more Partnerships around Kenya's M&E System.

The Parliamentary Caucus on Evidence-Informed Oversight and Decision-Making (PC-EIDM) is one of the targeted collaborators, considering their shared interest in systems of evidence. Other current partners that have participated and/or supported these efforts include County Governments (e.g. Kericho/Kilifi); Kenya School of Government (KSG); World Bank; UN Agencies; CLEAR-AA; AFIDEP; ICED; African Evidence Network (AEN); and universities. Both regionally and globally, the society has been supported by the UNICEF-led/IOCE EvalPartners Global Movement and the African Evaluation Association (AFREA).

The journey between ESK and Kenyan legislators began with the 2014 7th AFREA in Cameroon where the African Parliamentary Network for Development Evaluation (APNODE) was launched. One of the Kenyan legislators, Hon. Musyoka, was elected vice chair.

The collaboration contributed to the establishment of the caucus. Since then, ESK, jointly with MED, has collaborated with the caucus. A key outcome, among others, is that it initiated the participation of parliamentarians in the annual national M&E weeks which started in 2015 when the EvalYear was launched in Kenya. That, among other forms of participation, including those outlined below, have continued to give M&E more visibility.

In 2016 jointly MED and ESK, with the funding support of UN Women/ EvalPartners, organised the first-ever evaluation event bringing together government, parliament, society and the media. The theme was the promotion of socio-equity and gender-responsive M&E. Parliament was led by the chair of the caucus and APNODE's vice chair, Hon. Musyoka. ESK members were also represented with the aim of sensitising them to government and parliament's work. Representatives from the media included the leading media house, *Nation Media*. Significantly, the media presence was the participants. This a departure from the norm in such events where their presence is usually as reporters of news. This was applauded and recommended as a way forward.

In 2018 ESK participated in the AFIDEP-supported re-launch of the caucus under the new parliament. Additionally, ESK, with ICED support, organised and moderated a panel discussion for legislators on their *"Role, Opportunities and Challenges in Evidence-Policy Influencing"*, at the 1st Africa E2A Conference. CLEAR-AA has periodically supported the joint participation of the Kenyan

legislators, MED and ESK in their training workshops on evidence-use for Africa. AFDB and EvalPartners supported Kenyan legislators, MED and ESK to participate in the 8th AFREA conference in Uganda, 2017.

A key highlight on that occasion was that media presence as participants in M&E events signified an important step towards empowering them with the skills and knowledge necessary for their role of informing the public. This was especially significant as their improved awareness and knowledge could potentially empower citizens to hold government to account through M&E. In particular, the media representatives pointed out that this was a gap that needed to be addressed suggesting that it was important for them to be invited to future events and training, not as reporters but as participants. On that topic one media participant noted:

> ... owing to the technical nature of M&E and given that we are not experts in the subject, we find the language too technical [even from the CS's speech] to quickly understand for real time and newsworthy coverage. We are forced to go to the internet to try to make sense. That takes time and within the high pressure and very dynamic newsroom environment, by the time one is done, we often find that the editor has already slotted other priority stories that are captivating to the public ...

Evidently, the packaging of M&E information (in terms of language and format) presents challenges that need to be addressed by practitioners.

What emerged from the collaboration was the widespread acknowledgement that both parliaments and VOPES share a common interest in strengthening systems of evidence. Both need to address capacity gaps in the M&E sector, and there are many opportunities for VOPES and parliaments to work together to ensure that evaluation plays a transformative role in helping countries reach their development objectives. Also worth noting are the effects of the systemic interactions between APNODE, ESK and AFREA and the evidence caucus, and how these have contributed to sensitising MPs around evidence, for example, by supporting institutionalisation of evidence by mobilising MPs to support the legislation of the M&E policy in Kenya.

6

SOUTH AFRICA: PARLIAMENTARY INSTITUTIONS AND IMPLICATIONS FOR EVIDENCE USE



Wilhelm K. Janse van Rensburg, Mamphago Modiba, Andile Mphunga and Tumi Zantsi

The South African Parliament's constitutional context

The first democratic elections in 1994 marked South Africa's transition from apartheid's long period of repression and racial divide to a non-racial constitutional democratic order premised on the will of the people (Deegan, 2002, p. 7; Parliament of South Africa, 2007, p. 17). The architecture of the constitution provided for a nuanced form of separation of powers with three arms of the state, resulting in a unitary state comprising the executive, parliament and the judiciary. The executive consists of three spheres of government at national, provincial and local level. Parliament comprises two Houses at national level and nine provincial legislatures. The judiciary comprises the apex court and lower courts (Parliament of South Africa, 2009, p. 42).

The first democratic parliament inherited immense political and socio-economic deficits. The longstanding fundamental challenge that has been experienced since the dawn of its democracy is that South Africa remains one of the most unequal societies in the world (Southall, 2000, p. 24). In giving practical effect to the will of all citizens, the first democratic parliament made a firm commitment to break from the past and transform into a racially inclusive people's parliament (Schrire, 2008, p. 190; Hasson, 2010, p. 8). As such, the role of parliament, as encapsulated in both the interim Constitution of 1993 and final Constitution of 1996, is interwoven with the country's unique historical, political, social and economic contexts. The preamble of the constitution places, amongst others, the entrenchment of human rights, reconciliation, universal suffrage and observance of democratic principles as the cornerstones of South Africa's constitutional democracy. The prioritisation of these principles resulted in the constitution being considered among the uppermost progressive frameworks in the world by various authors (Alam et al., 2016, p. 3). Parliament, as one of the arms of the state, plays a central role in ensuring the entrenchment of the constitutional principles in governance.

The parliamentary mandate

The evolving role of parliament and its continued resilience and legitimacy rests on, amongst others, accountability and transparency in pursuing democratic consolidation (Adetiba, 2018. p. 123). The constitution makes a distinction between the roles of the 400-member National Assembly (NA) and the 90-member National Council of Provinces (NCOP). The core constitutional mandate of both Houses imbues the responsibilities to pass laws, oversee the executive's actions, and provide a platform for a public consideration of issues.

Lawmaking

Section 42 of the Constitution outlines how parliament is constituted, as well as its mandate. In relation to policymaking, the constitution and the rules of parliament provide for procedures for the processing of Bills in both Houses of parliament. Bills are classified into four categories: Section 74 (those aiming to effect constitutional change); Section 75 (those not affecting the provinces); Section 76 (those affecting the provinces); and Section 77 (money-related Bills). The early years of democratic transition saw parliament fundamentally transform repressive legislative framework that underpinned the apartheid state (Parliament of South Africa, 2009, p. 24). This entailed repealing apartheid laws and replacing them with new laws.

Notwithstanding the constitutional role of parliament as the supreme policymaking institution, there is overwhelming evidence that its processes require an overhaul. First, the majority of Bills in parliament are initiated by the executive. For example, a total of 486 Bills were introduced in parliament from 2006 to 2017, 445 (92%) of which were initiated by the executive. The remaining 41 Bills were introduced by parliament through committees (21) and by private members (20) (Doyle, 2018, p. 12). Second, Parliament must ensure meaningful public involvement in lawmaking processes to deal with deep-seated structural policy problems (Parliament of South Africa, 2017, p. 39). Parliament undertakes rigorous socio-economic impact assessments, particularly for committee Bills and private member Bills. It is therefore commendable that parliament took a resolution to scrutinise subordinate legislation. Key outstanding aspects of lawmaking are the need for systematic monitoring and evaluation of the impact of legislation and the adoption of an integrated approach as legislative studies have demonstrated that oversight and lawmaking are not necessarily mutually exclusive (Obiyo, 2013, p. 3).

The South African Constitution is instructive in granting parliament the right to influence the most important economic tool – the passing and amendment of the budget to ensure that it caters for the nation's most important needs (Krafchik & Wehner, 1999, p. 3). However, parliament only passed legislation for the establishment of the Parliamentary Budget Office (PBO) a decade after democratisation in 1994. The legislation for the amendment of money Bills was passed in 2009 and subsequently the PBO was established, albeit not fully capacitated. It is telling that the democratic deficit has not been significantly rectified through execution of parliament's functions to influence the budget process (Van der Westhuizen, 2014, p. 47).

Oversight

Democratic theory and practice identify robust accountability and oversight as key to nurturing democratic consolidation (Schrire, 2008, p. 202). Parliament's oversight role is constitutionally mandated, and the institution has utilised various mechanisms to hold the executive to account. The bulk of oversight work is done by parliamentary committees. The South African experience has shown that it is the integrity, independence and authority with which these mechanisms are applied that ultimately determine the extent to which oversight contributes to improved governance (Idasa, 2010, p. 1).

Parliament commissioned research in 1999 to assess the extent to which it executed its oversight function and the work culminated in the development of the Oversight and Accountability Model. The model defines parliament's oversight practices and mechanisms, and provides for the establishment of new structures and implementation of procedures aimed at improving oversight (Parliament, n.d., p. 7). One of the most significant recommendations that the model provided for was the establishment of a joint parliamentary Oversight and Governance Assurance Committee to deal with broader transversal and cross-cutting matters (Van der Westhuizen, 2014, p. 53). Surprisingly, this has not been established since the adoption of the model. In addition, there is no evidence that parliament has either actively engaged with this model or has established or amended rules, including assessing resources that are required for its successful implementation in a systematic manner.

The analysis of trends shows that the first and second successive parliaments focused largely on lawmaking, and that the work of the fourth and fifth parliaments was dominated by oversight over the executive (Obiyo, 2013, p. 2). Renewed impetus was given to policy implementation and public revenue expenditure. In contrast, the fifth parliament saw party political dynamics culminating in the establishment of a few parliamentary inquiries emanating from the substantive work of the Public Protector (an institution supporting democracy) to give practical effect to the constitutional imperatives and mechanisms outlined in parliament's oversight model. Parliamentary inquiries are regarded as key arenas for deepening democracy and recent examples related to, among others, the South African Broadcasting Cooperation and Eskom (European Commission, 2010, p. 62).

Public consideration of issues

South Africa's long history of mobilisation by political parties, religious formations and movements of civil society against the apartheid regime laid the basis for a constitutional dispensation that fosters meaningful public involvement to widen the country's democratic base (Deegan, 2002, p. 54). As constitutionally mandated, parliament has progressively institutionalised citizen participation as an integral part of both lawmaking and oversight processes (Obiyo, 2013, p. 109). The fourth parliament initiated the development of the Public Participation Model (adopted during the fifth Parliament), with a view to provide for minimum norms and standards for public involvement in parliamentary processes. A set of rules, conventions and mechanisms such as petitions and sectoral parliaments, including constituency offices and parliamentary democracy offices, provide avenues for public participation. All these give practical effect to the constitutional values of an open and transparent constitutional democracy. This is evident in how the business of both parliament and committees is accessible to citizens. Parliament also implemented programmes such as Taking Parliament to the People (TPTTP) to ensure direct engagement between the institution and citizens on service delivery issues (See Section 5).

The notion and practice of what constitutes quality public participation, beyond merely the provision for receipt of submissions from various stakeholders, remains an enduring challenge. A lack of acknowledgement of submissions received and the failure to provide substantive feedback may discourage civil society from participating in parliamentary processes. This holds consequences for the participatory democracy that parliament seeks to foster (Parliament of South Africa, 2009, p. 66). Political party dynamics, the media and the electoral system influence confidence in parliament's effectiveness as a space that guarantees that citizens' voices influence policy formulation and implementation (Obiyo, 2013, p. 96). This remains a concern in South Africa with widespread community protests highlighting the complex interplay between social and economic issues and challenging parliament's mechanisms and their effectiveness in the consolidation of democracy. In some cases, furthermore, public participation does not seem to affect the outcome of parliamentary processes. For instance, there was arguably no rational basis established during the public hearings about the disbandment of the Scorpions (the now defunct specialised organised crime investigative unit) as it performed at a 90% success rate (Van der Westhuizen, 2014, p. 120). As such, there remains the need for parliament to review the conceptualisation of the model, the legislative

frameworks, and the rules and mechanisms for public involvement to enable citizens to partner or be co-creators as opposed to being mere guests in the processes of parliament (Parliament of South Africa, 2017, p. 66).

The role of parliament and the implications for evidence

The core of parliament's oversight role is essentially evaluative. This includes tracking whether budgets are spent appropriately, if targets are met (monitoring), and assessing whether the lives of citizens have been changed for the better (evaluation) (Goldman et al., 2012). Therefore, evidence use is the cornerstone of parliament's ability to fulfil its constitutional obligations. In carrying out their mandate, Members of Parliament (MPs) must have sufficient, timely and relevant evidence at their disposal for sound policymaking.

The following statutes provide the legislative framework for evidence use by parliament:

- *The South African Constitution (Act 108 of 1996)* which prescribes the oversight role of parliament as an institution which should demonstrate transparency, accountability, effectiveness and efficiency in its pursuit of good governance.
- *The Money Bills Amendment Procedure and Related Matters Act, 2009 (Act No. 9 of 2009)* which focuses on procedures on parliamentary money Bills and similar matters.
- *The Financial Management of Parliament and Provincial Legislatures Act (FMPPLA, Act No. 10 of 2009)* which sets out parliamentary activities in relation to spending, including institutional planning, performance improvement and reporting.
- *Oversight and Accountability Model for Parliament* which defines parliament's oversight role including the values, principles and oversight-related resources.

The evaluative mandate of parliament and the legislative foundations for evidence use provide sound incentives for evidence-led policymaking. This should be done in a way that advances service delivery and improves the lives of citizens. The use of evidence is, however, impacted by various factors within parliament. The subsequent sections will discuss some of these factors in more detail, including the electoral system; political party dynamics; the structure of parliament including the committee structure, technical capacity and parliamentary support; as well as networks and other innovations. These discussions provide a broad overview of evidence use in the Parliament of South Africa, and possible ways to improve it.

The electoral system and parliament

South Africa's electoral system is a reflection of an important post-apartheid need – ensuring the widest representation within the parliamentary democracy. As noted earlier, the previously unequal and divided society required an appropriate electoral system to ensure a successful democratic transition (Louw, 2014). The electoral system is a combination of a parliamentary democracy with proportional representation thereby ensuring that smaller minority parties have the best chance of being represented at the level of the national legislature (Ferree, 2019). The basic tenets of the electoral system involve national and provincial elections that take place every five years during which citizens vote for political parties and not individuals. In both the national and provincial spheres, the number of seats allocated to each party is proportional to the percentage of votes garnered. Prior to elections each political party submits a list of its members that are eligible for parliamentary seats (IEC, 2020).

While provincial legislatures have one House, the national legislature has two Houses – the NA and the NCOP. The 400 seats in the NA are allocated according to the national vote, with the party with the most votes being allocated the most seats. There are 90 seats in the NCOP which are allocated per province (10 seats each) – the 10 seats consist of 6 permanent delegates appointed by the legislatures, and 4 special delegates (the premier of each province and 3 members assigned from the province). Special delegate seats are rotational. Additionally, the South African Local Government Association (SALGA) is allocated 10 seats for representatives in the NCOP who may participate in activities of the House, but they may not vote. At the first sitting of the NA, the Chief Justice of the Constitutional Court presides over the election of the Speaker of the NA. The newly elected Speaker then presides over the election of the President of the Republic. Similarly, in the NCOP the chairperson is elected in the first sitting. Together, the Speaker of the Assembly and the Chairperson of the Council are the Executive Authority of Parliament (Parliament of South Africa, 2020). A full list of office bearers is included in Figure 6.1 below.

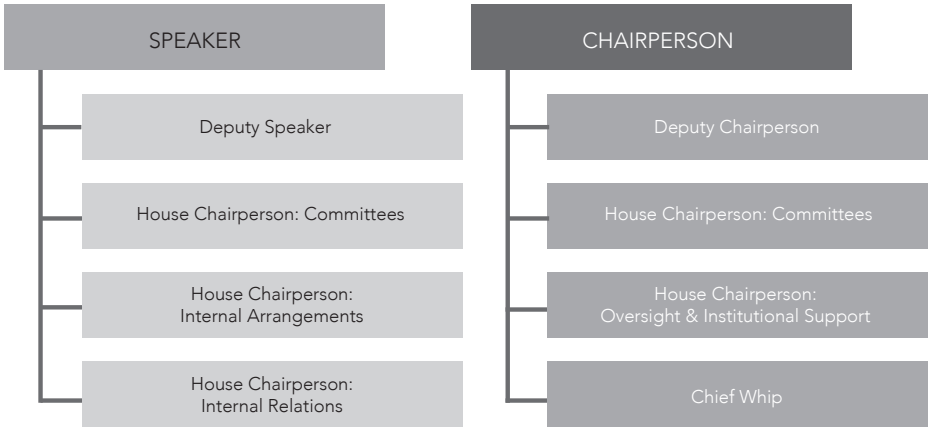

Figure 6.1 The executive committee of the Parliament of South Africa

Source: *Parliament of the Republic of South Africa (2020)*

Election trends and results

Despite South Africa's use of proportional representation, election results since 1994 have reflected a one-party dominance, as is characteristic in many African states. The African National Congress (ANC) has won all national elections by a majority vote and have prevailed as the ruling party in most provinces (Gouws, 2005). The trends for the national vote are shown in the graph below.

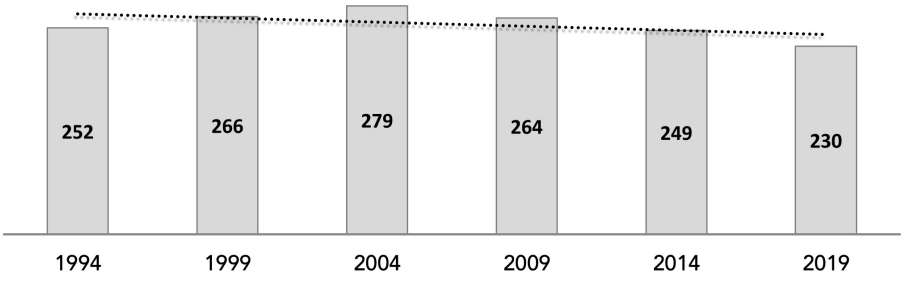

Figure 6.2 Ruling party representation in the National Assembly 1994-2019

Source: *PMG (2019a)*

The following graph shows the proportion of votes for the ruling party in the provinces from 1994 until the 2019 elections. While the party retains provincial control of all but one province (Western Cape), during this period support has declined in all but two provinces (KZN and Northern Cape).

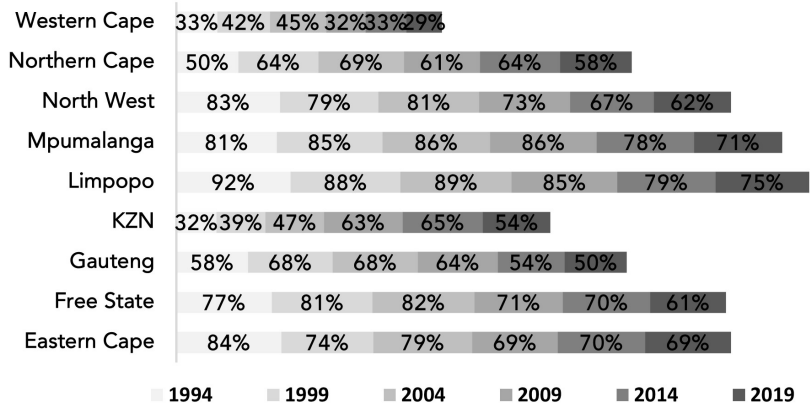

Figure 6.3 Ruling party provincial representation 1994-2019

Source: Independent Electoral Commission (2020)

In the 6th Parliament (2019), overall party representation reflects the impact of proportional representation, with fairly broad representation by a number of parties, as seen below.

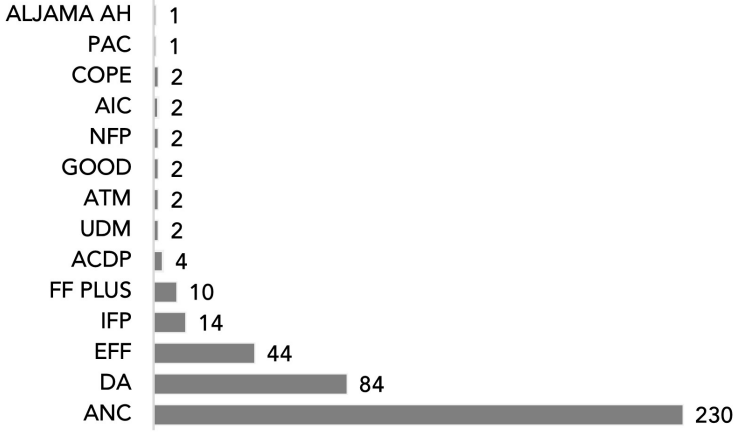

Figure 6.4 Political parties in parliament – Seat allocation in the National Assembly

Source: PMG (2019b)

The NCOP's political party distribution matches that of the NA, as seen below.

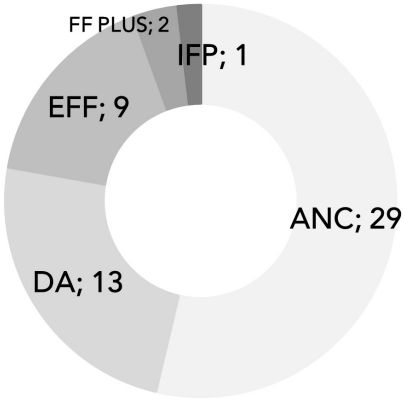

Figure 6.5 Political parties in parliament – Seat allocation in the NCOP

Source: *Parliament of the Republic of South Africa (2020)*

In terms of demographics after the 2019 elections, women's representation in the NA increased by 4% to 46,58%, improving South Africa's Inter-Parliamentary Union (IPU) ranking to 9th position. In addition, about 42% of members were new to the assembly, with the returning 58% consisting of previous NA members, provincial members of legislatures, and members of the NCOP. With a 100% increase in young MPs (age 35 and below), the average age of an MP is now 50 years, down from the 55-year average in the 5th Parliament.

The electoral system's implications for evidence

Given the party list structure of South Africa's political system, the use of evidence in parliament is inconsistent with the key challenge which is to ensure the timely availability of appropriate data sourced from the same member of the executive being held accountable. This 'curated' information creates an asymmetrical relationship between the executive and the legislature, which is exacerbated by the political challenge of more junior MPs from the ruling party holding the more senior members of their party to account in Cabinet (Parliament Watch, 2018). This suggests that beyond the availability or relevance of evidence in conducting oversight, strong political will is necessary as the need to retain political favour within the party may override the obligation to adequately oversee the executive.

Representation amongst elected representatives, whether through youth or women's representation, also has implications for evidence use. Increasing women's presence in politics is an important instrument for ensuring that the quality of laws and the extent of their applications meet the needs and demands of women (The World Bank, 2005). This applies to young MPs as well – while older MPs can advocate for issues affecting young people, it is important that vulnerable segments of society have direct access to decision-making apparatus. Biases may be entrenched if vulnerable groups are not represented and this bias can influence the type of evidence used.

The effect of South Africa's chosen electoral system is that MPs do not have to account to a particular constituency for any shortcomings in their oversight work. There is thus a view that without direct elections, there is little incentive for MPs to be evidence-led rather than being political party-led. The 2003 Van Zyl Slabbert report on electoral reform sought to investigate an alternative electoral system that could more directly represent citizens (Van Zyl Slabbert, 2003). In June 2020, 17 years later, the Constitutional Court ruled South Africa's Electoral Act unconstitutional because it does not allow independent candidates to stand for provincial and national elections. The amendment to the Act would result in a mixed proportional representation and constituency-based system which would accommodate political parties and independent candidates. The implications of this ruling are potentially far-reaching – direct election of candidates could result in a scenario where the party in government may not have the majority of seats in parliament. This change in composition may change committee dynamics, alter oversight efforts, and have an impact on evidence use.

Background to the contemporary political culture

Robinson notes that South Africa's tradition of multiparty negotiations began with a peace accord in 1991 followed by the Convention for a Democratic South Africa (CODESA) between 1991 and 1992 which was later replaced by the multiparty negotiations process in 1993, all of which culminated in the Constitutional Assembly (CA) (Robertson, 2015, p. 954). The negotiations laid the foundation for a constitutional democracy. The post-apartheid political trajectory reflects complex dynamics inherited from the legacy of a divided past, some of which manifest in electoral outcomes that assume ethnic and racial orientations (Adetiba, 2018, p. 123; Robinson, 2015, p. 967). The polarisation in

South African politics is exacerbated by historically disproportionate levels of poverty, inequality and unemployment, including along racial lines; after more than two decades of democracy the vast majority of economic wealth is still owned by whites (Commey, 2015, p. 45).

The political party dynamics in South Africa influence how parliament executes its constitutional mandate with respect to policymaking, scrutiny over executive actions and the provision of a platform for a public consideration of issues. As parliament is aligned with a Westminster-type legislature, members of the governing ANC constitute the majority in all parliamentary committees and are therefore able to access more legislative time during debate (Lotshwao, 2009). These dynamics result in consequences for evidence use as demonstrated by Head (2016) who posits that, among others, partisan ideologies, interest groups and the media impact on the extent to which political parties and legislative leaders rely on evidence in policymaking.

The South African political party dynamics

Hasson traces the role of the South African Parliament in deepening participatory democracy to the ANC's efforts in leading the anti-apartheid movement, as encapsulated in principles and aspirations reflected on various noteworthy occasions (Hasson, 2010, p. 369). These include the 1943 African Claims in South Africa, the 1954 Women's Charter, the ANC's 1955 Freedom Charter, the ANC's 1988 Constitutional Guidelines and the ANC's 1990 Bill of Rights (Everatt, 1992). Since 1994 the governing ANC has continued to leverage its liberation dividend (Adetiba, 2018, p. 118). It governs in eight out of the nine provinces and its hegemony is entrenched by its Tripartite Alliance with the South African Communist Party (SACP) and the Congress of the South African Trade Unions (COSATU). This potentially weakens how its caucus and committees of parliament exercise oversight over fellow party colleagues in the executive (Schrire, 2008, p. 210). As with most liberation movements in Africa, the ANC's Leninist practices of democratic centralism have progressively inculcated and reinforced narrow 'party discipline' from its members and party structures (Lotshwao, 2009, p. 902).

The resilience of the ANC has arguably been tested by some of its former leaders who have formed splinter parties such as the United Democratic Movement (UDM), the Congress of the People (COPE) and, more recently, the

Economic Freedom Fighters (EFF). Adetiba asserts that the ANC's electoral fortunes are progressively diminishing as the party loses public trust owing to its battered image (Gardner, 2012; Adetiba, 2018, p. 108). The dominance of the ANC is catalysed by the fragmentation of opposition parties along ethnic and racial lines. The Inkatha Freedom Party (IFP) is dominant in KwaZulu-Natal, the UDM has a bigger presence in the Eastern Cape, and the DA has a mostly white support-base (Lotshwao, 2009, p. 902). The ideological outlooks and policies of opposition parties are also very diverse.

The DA has established itself in the role of official opposition in recent years. Commey notes that the DA has made some strides in consolidating their base through, among others, electing young black parliamentary leaders to attract black votes, but support for the party remains predominantly white (Commey, 2015, p. 46). In contrast, the ANC has only been able to attract about 1% of the white votes. The emergence of new political parties also impacted the political environment in recent years. Following the first recall of a sitting president by the ANC in 2008, COPE secured 7.42% (30 MPs) during the 2009 elections, denting ANC support. Since 2009, support for COPE has, however, dwindled with several members re-joining the ANC. The emergence of the EFF with its continued upward trajectory – winning 25 parliamentary seats in 2014 and almost doubling the number to 44 seats in the 2019 elections – has radicalised the political environment in parliament. The parliamentary system with its rules and procedures has been sorely tested with EFF MPs having to be forcefully ejected from the House on several occasions.

Booysen notes that besides the power often wielded by the executive of parliament, it is well recognised that majority political parties dictate parliamentary proceedings (Booysen, 2017, p. 12). This contextualises the dominance of the ANC in parliament. There has not been a formal coalition amongst opposition parties attributable mainly to their fundamental ideological differences. The EFF's policy position on land redistribution and the nationalisation of key sectors of the economy make it unlikely that it will forge partnerships with, for example, the centre-right DA, as the latter is vehemently opposed to these policy positions (Booysen, 2017, p. 12). Following the 2019 national general elections, 14 political parties are represented in Parliament.

The implications of political culture for evidence use

As has been illustrated, various factors such as demographics and identity politics influence membership of political parties and, therefore, representation in parliament. These political dynamics impact on the functionality of South Africa's political system. The legacy of apartheid laid the basis for a polarised political culture in parliament characterised by embedded political beliefs and behaviours that have made it difficult to address the prevailing national political, social and economic challenges (Adetiba, 2018, p. 117). Party discipline, at the expense of the observance of constitutional values, seemingly hinders meaningful participatory democracy, inclusive governance and the need to effectively address service delivery challenges (Gardner, 2012). As alluded to, the extent of evidence use in parliament in the execution of issues of oversight, lawmaking and public involvement has varied significantly owing to underlying inter- and intra-party dynamics. There have been notable instances of parliament being seen to ignore credible evidence. As Head points out, policymaking is fundamentally anchored on political values, persuasion, and negotiation (Head, 2016. p. 472). Inevitably, one of the threats to evidence use is when political interests lead to the distortion or selective inclusion of evidence (Parkhurst, 2016, p. 236).

Evidence-informed policymaking in a parliamentary context requires transparent processes. However, the extent to which public participation processes influence policy remains difficult to estimate. Open and consultative processes are regarded as markers for legitimate policies and governance (Head, 2016, p. 472). There have been instances when parties in parliament seemed to rely on credible evidence to assist parliament in the diligent execution of its constitutional mandate.

A number of examples demonstrating the implications for evidence use include the following:

- Based on credible evidence, the Committee for the Quality of Life and Status of Women, between 2000 and 2005, challenged the government's policy position on the provision of antiretroviral treatment for people living with HIV and AIDS.
- Notwithstanding credible evidence contained in the report of the Auditor General, which found significant irregularities in the procurement of armaments, members of the governing party who served in the Standing Committee on Public Accounts (SCoPA) challenged the rules, norms and parliamentary practices for political expediency. These members initially seemed to scrutinise the arms deal with the

requisite intensity and rigour, supporting processes of the joint investigating team comprising of other state agencies such as the Public Protector (PP) and Special Investigating Unit (SIU). As the infamous arms deal investigation implicated senior members of the governing party, the work of SCoPA was subsequently undermined in various ways and ultimately subverted – including changing the leadership of the committee.

- In 2016, the seminal Constitutional Court judgment in the case of Economic Freedom Fighters v Speaker of the NA and others, found that parliament failed to hold the president accountable. The NA was found to have acted in a manner characterised as "inconsistent with its obligations to scrutinise and oversee executive action and to maintain oversight of the exercise of executive powers by the President". This demonstrates that parliament ignored the evidence in the report of the Public Protector, which required the president to reimburse the state for all funds expended for upgrades to his private home. Paradoxically, this judgment is hailed for validating both that South Africa remains a robust constitutional democracy as the court passed a judgment with far-reaching implications against a sitting head of state, and also for its censure of parliament's failure to act on credible evidence produced by independent state institutions established to foster democratic consolidation – a clear weakness in the governance role of parliament. One of the fundamental lessons to be learnt is that party-political processes in parliament cannot be used to nullify findings made by independent state institutions.

Reviewing Parliament's governance structures

In general, parliament's governance model is generally not well known or understood. This lack of understanding relates specifically to its political structures and the administrative organisation supporting parliamentary activities. While there is currently no legislation that regulates the governance of the parliamentary service, a Draft Legislative Sector Bill is currently under consideration which will provide a comprehensive framework for governance in the legislative sector, similar to that created by the Public Service Act (1994) for the executive branch. Through its internal processes, however, several governance structures have been put in place to manage the complex legislative environment and promote good governance. These are in alignment with the FMPPLA (2009). The following sections will outline the various structures within parliament and will include a short description of their roles.

Governance structures in parliament

The Executive Authority (EA): This encompasses the Speaker of the National Assembly and the Chairperson of the NCOP who conduct oversight of the strategic, performance and budget planning processes. The EA further investigates any relevant disciplinary hearings against the accounting officer. *The Executive Committee (Exco)* is made up of the Speaker and Deputy Speaker of the NA, the Chairperson and Deputy Chairperson of the NCOP, and the Secretary to Parliament (ex-officio member). The committee can also invite Deputy Secretaries from Core Business and Support Services, secretaries and Executive Directors of both Houses.

The Joint Standing Committee on the Financial Management of Parliament (Oversight Mechanism): This committee represents what is termed the 'oversight mechanism' in Section 4(3) and (4) of Chapter 2 of the FMPPLA. This committee is a multiparty committee comprising members from different political parties of both Houses who are tasked with exercising oversight over the implementation of the strategic plan, possessing all the powers of a committee of parliament under Sections 56 and 69 of the Constitution.

Political parties

Party Caucus: Each political party has its own caucus – a platform for discussing internal party matters.

Study Group: These groups are made up of MPs from the same portfolio committees and the same political party – in the case of the ruling party this includes the corresponding member of the executive. This platform is used for discussing progress on matters previously raised.

Chief Whips Forum: This is a forum of all Chief Whips of political parties represented in the NA and it deals with decisions of a political nature that require political party consensus.

Internal committees

Members' Facilities and Support Forum: This forum is a consultative platform for processing matters pertaining to members' support. It consults on matters including facilities management, training, catering, research, information systems, tools of trade etc. It comprises the House Chairpersons for Committees in each House, the Chief Whip in the NCOP, a representative from each political party, and a member from the Committee on MPs with Special Needs.

Committee of Chairpersons Forum: This is made up of chairpersons in the NA – the chairperson of each assembly committee and each assembly member who is a chairperson or co-chairperson of a joint committee, or an assembly member of the committee designated by the chairperson. The committee can make recommendations to the rules or programme committees on pertinent issues.

Structures for M&E

The Policy Management Unit (PMU) was established in 2005 and derives its mandate from the strategic objective for strengthening strategic management, governance, internal control, risk management, monitoring and evaluation, and compliance. At its inception, the PMU was tasked with formulating and monitoring the implementation of internal policies. This responsibility evolved to include institutional reporting and participation in planning processes, and its responsibilities eventually incorporated the monitoring and evaluation of the implementation of the strategic plan of parliament (achievement of the strategic plan of parliament, impact and/or outcomes of policies). In 2016, the units for planning, M&E and reporting, risk, and project management were re-assigned under one division known as Strategy Management and Governance, with the intention of promoting greater collaboration amongst the units and creating a more seamless, coordinated and comprehensive strategic management process. In 2017, the PMU was re-imagined as the Policy Monitoring and Evaluation Office (PME) which is responsible for advisory and support; assurance; sustainable quality management; and institutional capacity development of all integrated strategic management processes. However, the latest structure was not formalised and while on paper the PMU remains a unit responsible for policy management in the institution, in practice it is responsible for reporting and M&E.

Governance structures and the implications for evidence

The structure of parliament is multi-layered and complex – and thus the implications for the use of evidence for decision-making is complex. This can create a lot of 'noise', meaning that it may not be clear what information is relevant at any given time. The oversight role of parliament adds another dimension of complexity. Much of the information that members use to hold the executive accountable is submitted by the same executive. There is thus an asymmetry in terms of how much information MPs have versus ministers and this may render oversight ineffective. Provision of more independent information

may, however, not solve this problem. Given the 'noise' of multiple sources of information, an ever-changing political dynamic, and pressure from the public and civil organisations – including the media – decision-making becomes a matter of prioritisation and discernment.

With regard to the establishment of an M&E office, efforts that have been made to integrate it with the offices on project management, risk management and strategic planning have yielded some positive results. The integration resulted in the use of more structured strategic management processes and included the introduction of an integrated strategic management framework. In addition, work is underway to cascade the institution's strategic plan to individuals using the balanced scorecard. M&E finds expression in the latter part of the strategic management process and has thus provided an opportunity to enhance the use of M&E reports in assessing the work of parliament itself (Parliament of South Africa, 2018).

The establishment and mandate of committees

Parliamentary committees are established as instruments of the two Houses in terms of the South African Constitution. Portfolio committees are aligned to each government department portfolio meaning that for each government department, there will be a committee exercising oversight over that department (e.g. Portfolio Committee on Transport oversees the Department of Transport and its entities). Select committees oversee a cluster of government departments as they are provincially established as clusters. For example, a Select Committee on Education and Technology, Sports, Arts and Culture oversees the Department of Higher Education and Training; the Department of Basic Education; the Department of Sports; and the Department of Arts and Culture. In addition, the Joint Rules of Parliament also facilitates the formation of joint committees. Through the resolutions of the Houses, Ad Hoc committees can also be established. Examples of the latter include the Standing Committees on Public Accounts, Finance and Appropriations. Joint standing committees include, for example, the Standing Committee on Defence; the Constitutional Review Committee; and the Multi-Party Women's Caucus.

Committees conduct business in line with their respective Houses and report to the relevant House for decision-making purposes. When committees provide recommendations to the House for formal consideration and the House adopts their recommendation report, this is followed by the House monitoring compliance in the adoption of these recommendations (Parliament, 2009, p. 18).

Election of committee chairpersons and composition of the committees

Parliamentary rules dictate that a committee must elect one of its members to be the chairperson. The process of electing chairpersons in the first sitting of the committee is democratic. The committee secretary calls for nominations of names of members to be elected as chairpersons. The name of the MP supported by majority votes automatically becomes the chairperson. What has been the norm in parliament is that chairpersons always come from the majority party as it has the numerical advantage. With the Standing Committee on Public Accounts, the position of the chairperson is held by a member of an opposition party. This is to maintain the independence and avoid political influence on the work of the committee. As per the rules, political parties appoint their own members to represent them in the various committees.

In terms of the composition of all the NA committees, the allocation of seats mirrors the proportional representation of the number of seats that the party has in the NA. As per the rules governing such processes, political parties appoint their own members to represent them in the committees. With regard to the NCOP, the rules provide that the nine provinces are entitled to be equally represented in the committees, except in cases where the rules provide otherwise; or in cases to which Section 75 of the Constitution applies. The names of the members of the committee are announced in the Announcements, Tablings and Committee (ATC) Reports.

Engagement with evidence

The Houses of Parliament, or any of its committees, are empowered by Sections 56 and 69 of the Constitution as well as Rule 167 of the Rules of the NA; Rule 103 (1) of the NCOP; and Rule 32 (1) of the Joint Rules of Parliament. These include the ability to summon different persons and institutions to appear before the House to give evidence, provide documents, or present petitions, amongst others. Parliamentary committees thus interact with myriad sources evidence from multi-stakeholders such as CSOs, businesses, and other professional bodies. Committees are further required to develop 5-year strategic plans indicating activities over each parliamentary term. At the end of each year, committees are required to compile annual self-assessment reports on the implementation of their plans. At the end of the term of parliament, committees compile legacy reports which are a five-year assessment of the

committee's work. Legacy reports also serve as a handover of evidence to the incoming committee on what has been achieved and outstanding matters to be followed up (to be discussed). The Parliament of South Africa's oversight and accountability cycle illustrated below summarises the institutionalised oversight focus of committees.

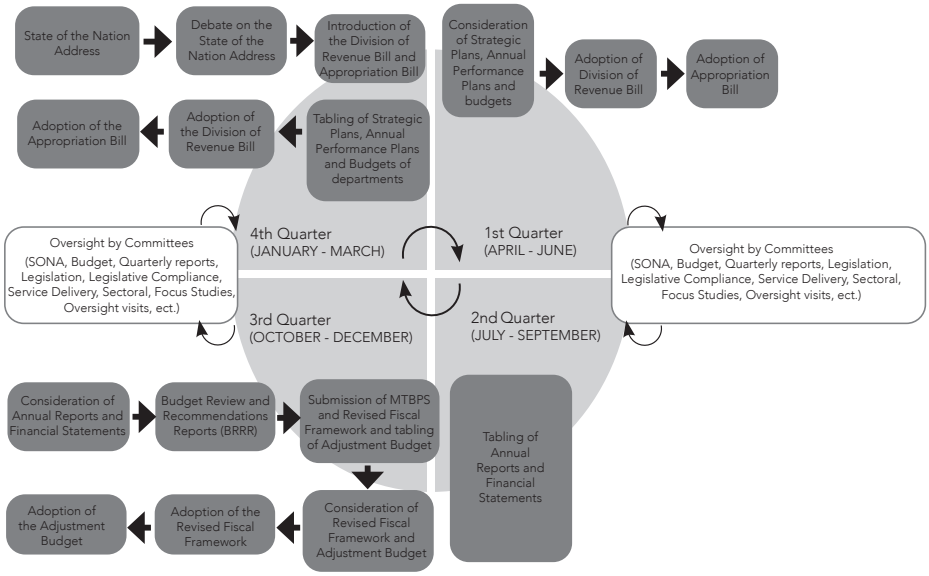

Figure 6.6 Oversight and accountability cycle

Source: *Parliament of South Africa (2018)*

To a large extent, the oversight and accountability cycle influences the kind of evidence generation used by committees. Parliament has traditional oversight focus areas which are legislated by, for example, the Public Finance Management Act, 1999 (Act No. 29 of 1999) (as amended) and the Money Bills Amendment Procedure and Related Matters Act, 2009 (Act No.9 of 2009). This includes the processing of tabled budgets of government departments and entities, their five-year strategic plans and annual performance plans as well as in-year monitoring of financial and service delivery performance through the assessment of quarterly reports. Committees are also required to assess the annual performance of departments and entities through the Budgetary Review and Recommendations Report.

The majority of evidence that parliament's committees use for oversight of the executive, especially in the aforementioned processes, is generated and provided by government institutions themselves. The role of parliamentary

researchers and content advisors is therefore crucial as they are responsible for analysing the tabled documents and packaging the information in a manner that will enable MPs to digest and engage the evidence thereby facilitating the oversight of committees. Researchers and content advisors possess institutional memory of the sectors that their committees oversee. This is an advantage as it allows for retrospective analysis that can reflect on commitments that departments have made and whether these have been achieved or not. This provides a level of assurance towards strengthening the oversight function of the committees. Progress towards achieving predetermined policy priority targets is tracked by in-year monitoring and following up on implementation of committees' resolutions and recommendations. By the time the departments and entities present their annual reports, the committees have generated adequate evidence to scrutinise the reports and make recommendations. While this mechanism may not work perfectly, it does provide a comprehensive platform for continuous oversight.

Evidence generation and use by committees

Parliament committees are not the only consumers of evidence generated by the executive. Committees' oversight processes have evolved over time to the extent that they contribute to the generation of evidence during the processes outlined below.

Oversight visits

Besides convening meetings in-house, the programme of parliament provides at least four opportunities per year for committees to conduct oversight visits to review service delivery progress at ground level. Committee oversight weeks are programmed to ensure that almost all committees conduct site visits, except those that are processing legislation. This allows committees' engagement with service delivery beneficiaries and opportunities to monitor the quality of such services. Oversight visits also afford committees an opportunity to generate their own evidence. Committees compile reports with findings and recommendations and these are presented to the Houses. Resolutions are subsequently generated and referred to the relevant departments for implementation. Once adopted by the Houses, these committee reports become public documents thereby contributing to the broader body of evidence for a particular sector.

Taking Parliament to the People (TPTTP)

As noted earlier, the NCOP's TPTTP programme is central to ensure direct engagement between MPs and citizens on service delivery issues. This is an annual programme where the NCOP committees, together with the provincial legislature committees, local municipalities and the executive, engage with citizens directly to elicit information on their first-hand experience of service delivery. The programme rotates between provinces and it is convened under a specific theme to facilitate public participation. In 2017 and 2018, for example, TPTTP was convened in the Free State and Gauteng provinces under the themes, "Deepening parliamentary oversight for the delivery of quality services to the people" in the Free State and the 'Impact of Migration – deepening cooperative governance for accelerated service delivery and development' in Gauteng. Evidence generated during TPTTP is incorporated in the report that is tabled and debated and recommendations in the form of council resolutions are referred to the responsible departments, provincial departments and municipalities for implementation. Each NCOP select committee will follow-up with their respective government departments on progress in the implementation of the recommendations.

In ensuring that the programme contributes to improved service delivery, the TPTTP programme has also evolved. In recent years, the NCOP introduced TPTTP 'Pre-visits' and 'Report-back sessions'. Researchers and content advisors, together with members of the NCOP, conduct pre-visits to collect evidence from institutions that fall under the identified sectors. Evidence collected informs the actual TPTTP and ensures that relevant ministers and officials, at both provincial and municipal level, are informed of the findings and recommendations of the pre-visits. After the TPTTP, the NCOP conducts a report-back session. The main function of these sessions is to report back to the public on issues they raised during the TPTTP and to ensure that undertakings made by the executive during the TPTTP are monitored and implemented. This has ensured that the executive is held accountable for commitments made.

Committee-generated evidence through surveys

As noted previously, most of the evidence used by the committees is generated by the executive and, over time, it has become necessary for committees to start generating their own evidence. This was due to the unsatisfactory evidence provided by the executive and a lack of improvement in service delivery despite commitments made to do so. In 2018, the Portfolio

Committee on Higher Education and Training dedicated most of its time to the challenges experienced in the disbursement of National Student Financial Aid Scheme (NSFAS) allowances to students. This was in response to unrelenting student protests provoked by delays in the disbursements of allowances. Despite several engagements with stakeholders in the sector, there were no improvements. Consequently, the committee resolved to conduct its own inquiry. The committee's content advisor was tasked with the development and distribution of a questionnaire to the management of selected universities and colleges as well as associations of the student representative councils in these sectors. Data received was analysed and reported by the committee chairperson in a stakeholder meeting. This was an unorthodox means of oversight as the committee presented its generated evidence to the stakeholders that normally generate and present evidence to the committee. This method of generating evidence was possible because of the long mid-year recess period of almost a month and a half. Under normal circumstances if evidence was required urgently it may not be possible to provide it.

Colloquiums

Parliament committees are becoming innovative in gathering information for evidence use. A new phenomenon has developed in the fifth Parliament with the Portfolio Committees on Trade and Industry and Environment Affairs generating evidence by convening colloquiums to engage on issues of interests. For example, in August 2018 the Portfolio Committee on Environmental Affairs convened a two-day colloquium on captive lion breeding. Different groups and individuals presented evidence and this valuable input enabled the committee to formulate its own perspectives in making evidence-informed recommendations to address the gaps identified during the colloquium. Colloquiums bring multiple stakeholders from a wide range of organisations (private sector, government, academics, civil society, international organisations, research institutions, etc.) to engage on a specific issue. This is slowly becoming institutionalised as some other committees are adopting this valuable innovation. In August 2019, for example, the Portfolio Committee on Defence and Military Veterans held a colloquium on civil–military relations and the Portfolio Committee on Higher Education, Science and Technology held two colloquiums – the Fourth Industrial Revolution held in September 2019, and post-school education and training funding held in November 2019.

Colloquiums require extensive prior planning by the committee staff. The planning includes the development of concept papers for buy-in from the committee chairperson and MPs and the identification of speakers and participants, amongst other logistics. However, despite the prior planning required, it is a valuable platform for the introduction of evidence. It also allows for the establishment of direct relations between MPs and primary evidence producers such as academia and other research institutions.

Legacy reports

The dissolution of parliaments often creates uncertainties regarding the continuity of work. Irrespective of the dissolution of a parliament at the end of its term, parliamentary mandates still stand as societal needs are never suspended and the functions of government do not cease. The intervention strategy to maintain the momentum of these principles (standing mandate of parliaments and incessant function of government) is that of a legacy report. These reports are critical to preserve evidence (institutional memory of parliamentary committees) and to facilitate a process that ensures validity and continuity in the future work of parliament. The value of the legacy report is that it allows committees to self-assess and outline successes and shortcomings and to hand over outstanding issues to the incumbent of the new parliament. An outstanding feature of a legacy report is that it enables recommendations to be made to the new parliament for seamless monitoring and evaluation of the executive in specific focus areas for continued efficient service delivery to citizens. In African parliaments, the use of a legacy report is an efficient model to ensure ongoing monitoring and evaluation, which is both a backward- and forward-looking process.

Entrenching gender mainstreaming through the committee system

The fifth Parliament established the Multi-Party Women's Caucus (MPWC) in terms of Joint Rule 137 as an influential advisory and consultative body to promote the discussion of women's issues in parliament. The caucus consists of all women members of the NA and the permanent delegates of the NCOP (Parliament of South Africa, 2019, p. 3). Members of the MPWC have memberships in various portfolios and select committees and, on behalf of the MPWC, can ensure gender-responsive planning and budgeting during

oversight and other committees' work (Parliament of South Africa, 2013, p. 1). The MPWC has no oversight function over any government department or entity. However, it is empowered by the joint rules to make submissions to portfolios and select committees on issues affecting women. This implies that, as a collective, the MPWC can make submissions to various committees to influence and advocate for adoption of gender-responsive laws, programmes and budgets. The MPWC's functions and powers include representing women MPs; ensuring increased discussion of issues concerning women; increasing submissions to committees responsible for overseeing women's issues; and improving engagement of women's developmental-related issues with political structures.

In assisting the caucus to execute its mandate, it is supported by the committee secretary, a researcher, a content advisor and a committee assistant. Notwithstanding the MPWC's members' involvement in the portfolio and select committees, the caucus meets monthly. Its activities include, amongst others, oversight visits and summits on gender-related issues. For example, the caucus convened a national summit in November 2018 on the issue of gender-based violence and femicide and the summit included public hearings and/or briefings. Besides the MPWC, the South African parliament has dedicated NA and NCOP committees to oversee departments and entities responsible for women, youth and persons with disabilities.

Linking support structures to evidence

Following the transition to a democratic South African parliament in 1994, the need for efficient support structures to assist in the institution's legislative and oversight functions became increasingly clear. In his 1998 analysis of parliament's committee system, Hilton Fisher highlighted the need for efficient committee support structures. He stated that "for committees to be successful, their support mechanisms need to be sound and well-resourced. The support mechanisms and the service-delivery functions of committees form an inseparable bond. Without the one the other is ineffective" (Fisher, 1998, p. 69). In 1999, Professor Hugh Corder et al. furnished the Speaker of the NA with a 'Report on Parliamentary Oversight and Accountability.' The report dealt with, among other matters, potential requirements to realise parliament's obligations in terms of oversight of the executive and recommended the "[b]eefing up the existing parliamentary research capacity to undertake management and

programme audits" (Corder et al., 1999, pp. 2, 31). The 2009 report of the Independent Panel Assessment of Parliament again noted ongoing concerns raised by MPs regarding the capacity and efficiency of support structures (Govender et al., 2009, p. 69). Given these concerns, parliament has drastically increased the support services, with much of this increased capacity relating to the provision, analysis and utilisation of evidence.

Key support structures that add significant value in terms of evidence use in the Parliament of South Africa include the following:

The Parliamentary Research Unit and content advisors

Two units within parliament are essential in linking evidence and MPs – the Research Unit and the parliamentary content advisors. Following its formation in 1997 with only eight researchers, each of whom serve a cluster of parliamentary committees, the Research Unit has grown in size and capacity to a point where parliament aims to have at least one specialist researcher per committee (Janse van Rensburg, 2019, p. 220). Given its mandate as an institutional service, individual researchers are not aligned to political party structures and support all MPs, irrespective of their political affiliation. The Research Unit is therefore guided by the principles of non-partisanship, impartiality, objectivity, and confidentiality (Parliament, 2014). The unit is further mandated to provide research and information support services to MPs, committees and parliament's senior management. The research products prepared are a means of directly relaying evidence to MPs and committees, thus enhancing evidence use in parliamentary activities. The Research Unit offers an array of services, including:

- The analysis of Bills;
- Analysis of policy documents;
- Comparative studies and international best practices;
- Analysis of statistical data;
- Analysis of departmental budgets;
- Strategic plans and annual reports;
- Background notes for speeches;
- Information to guide oversight visits and study tours; and
- Analyses of any subject area as required by a committee or individual MPs.

In an effort to further advance content-specific support to MPs and committees, parliament established content advisor positions in 2011. The unit, which forms part of the committee section, consists of specialists in the fields covered by

committees and, as is the case with researchers, parliament aims to have at least one content advisor per committee. Content advisors also provide MPs and committees with evidence gathered in the course of the various functions they fulfil. Content advisors provide strategic advice on oversight programming for committees. They also provide advice on international agreements to which South Africa is signatory and that require parliamentary input or oversight. The work of content advisors introduces evidence to parliament through input on policy implications and legislative developments and the contextualising thereof within the broader South African society (Parliament of South Africa, 2011, p. 51).

Given that researchers and content advisors serve as conduits linking MPs to evidence, their work is essential in building the foundations for evidence-based oversight. Further primary research or perception studies may be required to determine how MPs view such non-partisan staff and to what extent they utilise the evidence provided by such staff in their oversight roles. Nonetheless, existing research points to two key developments. First, the 2009 Report of the Independent Panel Assessment of Parliament highlighted MPs concerns regarding the capacity and efficiency of support structures (Govender et al., 2009, p. 69). The expansion of the Research Unit and addition of content advisors therefore serves to address this organisational shortcoming. Second, despite advances, concerns remain. In a small committee-specific sample, Janse van Rensburg (2019, p. 221) received feedback from MPs and staff that highlighted the under-utilisation of research support. A parliamentary official claimed, for example, that researchers and content advisors are not always consulted on setting the committee agenda. The level of utilisation of research support is also highly dependent on committee chairpersons. Some MPs expressed concern around the lack of historical knowledge of some researchers, especially amongst younger support staff. Others claimed that research support was not tailored to MPs needs. Such concerns highlight barriers for evidence use in the Parliament of South Africa.

Parliament's Library Unit

Parliament's library was initially established in 1884 and in 1997, together with the research unit, fell under the umbrella of the Knowledge and Information Services Section (Bullen, 2005, p. 35). The library provides information support to MPs and committees through its collection that is available to members and staff. Two sub-sections of the library make a specific contribution to evidence use

in parliament. First, the acquisition sub-unit identifies and procures information relevant to the needs of the institution. Second, the special services sub-unit provides electronic information and access to international journals. The library therefore offers evidence to MPs directly by providing them with research material and, indirectly, by providing information to committees from research documents prepared by parliamentary research staff and content advisors (Parliament of South Africa, 2011, pp. 52-53).

Legal Services Section

Parliament's Legal Services Section plays a crucial role in promoting evidence use around the institution's legislative mandate. The office consists of a number of parliamentary legal advisors that provide MPs and committees with legal advice during the processing of legislation. This includes the processing of Bills and the drafting of committee and private members' Bills. Legal support also includes advice to MPs and committees on the oversight roles of parliament, specifically in cases where legal clarity as to the powers and scope of oversight is required (Parliament of South Africa, 2011, p. 55). The section therefore provides the institution with broader legal clarity and evidence-based legal opinions.

The Parliamentary Budget Office

The Budget Office was established in terms of the Money Bills Amendment Procedure and Related Matters Act (Act 9 of 2009). Section 15(1) of the Act states "the main objective [of the Office] is to provide independent, objective and professional advice and analysis to Parliament on matters related to the budget and other money Bills." Practically, this requires the office to analyse information related to the budget for the four committees on Finance and Appropriations in the NA and NCOP. A key aspect of the office's function that relates to evidence is the requirement to keep "abreast of policy debates and developments in key expenditure and revenue areas" (Parliament of South Africa, 2020). This allows scope for the introduction of external evidence into the parliamentary budgetary oversight environment.

Additional support structures

While the five support structures above function as parliament's primary evidence drivers, various other support structures noted in the organogram can be considered essential enablers for evidence use. For example, parliament's Procedural Support officers provide advice on parliamentary procedures.

Ideally, this should ensure that oversight procedures are structured in such a way to allow for the effective integration of evidence-based research. The committee section's *Secretarial Support,* as well as logistical support is provided by *Committee Assistants* who play a central role in ensuring that evidence-based information prepared by parliamentary staff is correctly packaged and timeously distributed. The *Language Services* section, in turn, plays a key role in ensuring the efficient interpretation and translation of evidence introduced to MPs and committees. This is particularly relevant in the case of the Language Service's interpretation and translation functions as it ensures evidence effectively reaches its intended parliamentary audience (Parliament of South Africa, 2011, pp. 50-54).

The implications for evidence use: Potential obstacles

The parliamentary support structures outlined above reflect the institution's drive to enhance evidence use since 1994. However, several challenges remain that could potentially impact on the effective use of evidence. First, despite significant organisational growth in the support structures and evidence-based support offered to MPs, challenges remain in terms of ensuring that such services are optimally used. The platform for the provision of evidence has thus been established, but the level of uptake of evidence by MPs remains unclear.

Second, the scope for primary research by parliamentary staff remains limited. Given the legal powers and standing of parliaments, they are ideally placed to conduct primary research and generate evidence, specifically through oversight visits and committee meetings (See Section 5). However, the selection of areas or issues to oversee during these visits and meetings is not based on sound evidence. The information collected on the visits and during meetings is not systematically ordered and stored for further analysis and evidence development. As such, information is not stored and incrementally gathered over time in order to identify trends and thereby maximise evidence-based oversight. If provided for and used correctly, primary research has the potential to increase evidence available for usage in parliament, improve the oversight process, and even contribute to scholarly knowledge (Janse van Rensburg & Manganyi, 2015).

Third, parliament is subject to various legislative requirements that guide oversight processes and programmes. For example, committees are required to closely track the annual budgetary process, which includes the consideration

of a department's main appropriation, adjusted appropriation, in-year expenditure tracking (quarterly reports), departmental annual performance plans, strategic plans, and annual reports. Portfolio committees are thereafter bound to compile budgetary review and recommendation reports. In addition, consideration of any legislation can be time-consuming, especially in view of the need for robust public participation. While these prescripts are essential to ensure effective oversight of state expenditure and legislation, they leave committees with limited time available to deal with additional matters. Practically, this also results in limited engagement with external experts who could introduce valuable evidence to parliament. This limits the scope for the introduction and use of additional evidence beyond budget-related evidence.

Fourth, the use of evidence in parliaments can be undermined by a lack of political will among MPs to consider and use such evidence, or by the misuse of such evidence in the oversight process. Studies have highlighted a lack of political will as an obstacle to oversight in the South African Parliament since 1994.[1] Although political will is difficult to measure and track, examples of a lack of political will include the poor utilisation of oversight tools such as parliamentary questions, notably by MPs from the governing party. Linked to this is the use of so-called 'sweetheart' questions from MPs to the executive. Such questions are not really aimed at inquiry and oversight, but rather to provide members of the executive with the opportunity to expand on policy aspects or achievements. It is further noted that, in some cases, parliament has been lax in implementing external findings on its oversight mechanisms. Linked to this is the importance of political will among committee chairpersons to ensure the optimal functioning of oversight activity. This has not always been the case with all parliamentary committees. Former MP, Annelize van Wyk, summarised this pitfall by noting that "[p]olitical will remains the single most critical element for effective oversight [and that] oversight can be compromised when Members of a political party use information opportunistically in the interest of narrow party politics" (Van Wyk, 2014, p. 11).

Since 1994, the Parliament of South Africa has made significant strides in enhancing evidence use within the institution. This can largely be attributed to the establishment of various structures that impact positively on the use and transmission of evidence in the institution. Despite positive strides, further scope for improved evidence use remains. Crucially, the improved use of evidence requires sufficient political to do so.

[1] See for example Corder's (1999) focus on the need for political will and questions around a lack of political will in February (2006) and Janse van Rensburg (2019).

Locating evidence networks

Through the work of its committees, the South African Parliament has established a number of formal and informal networks that aid the institution in its oversight process through the use of evidence. Practically, evidence is generally introduced through briefings by external research organisations (outside parliament) to the relevant parliamentary committees. Several categories of institutions can be identified in the evidence network.

Government research institutions

Parliament often makes use of government-funded research institutions. Examples of institutions that provide evidence to parliament include:

- *The Council for Scientific and Industrial Research (CSIR).* The CSIR focuses on knowledge generation in a number of fields, including chemicals, agriculture and food, health, manufacturing, mining, defence and security, mobile and other technology (CSIR, 2020). Evidence on diverse sectors and topics can therefore be provided to various parliamentary committees.
- *Statistics South Africa (Stats SA).* The mission of Stats SA is to "lead and partner in statistical systems for evidence-based decisions" (Stats SA, 2020). Parliamentary committees are often briefed by Stats SA for MPs to consider statistical evidence. Furthermore, the work of Stats SA is regularly used by parliament's knowledge workers, including researchers and content advisors, when drafting documents to guide oversight activities.
- *The Human Sciences Research Council (HSRC).* The value of the HSRC for evidence provision at parliamentary level is reflected clearly in its mandate. The HSRC is mandated to "inform the effective formulation and monitoring of government policy; to evaluate policy implementation; to stimulate public debate through the effective dissemination of research-based data and fact-based research results; to foster research collaboration; and to help build research capacity and infrastructure for the human sciences" (HSRC, 2020).

Non-governmental research institutions

The government research institutions outlined above are but a few of the specialised organisations that aid in the provision of evidence to parliament in an effort to assist the oversight process. South Africa is home to a wide array of other non-governmental specialist research organisations and universities. These are often invited to provide input to committees. Of specific importance is the role of such organisations during parliament's legislative work and budget process. Parliament adheres to a strict Public Participation Model. The

model includes a 'consultation' phase that "typically involves the distribution or presentation of information a request for public comments or submissions on the information provided or gathered" (Parliament of South Africa, 2019). During the consultation phase, non-governmental research organisations and academics are afforded the opportunity to provide written and oral submission to parliament which enables evidence to be introduced that could potentially impact on legislation formulation and oversight practices. Furthermore, parliament's knowledge workers often establish their own professional network of subject-specific specialists. Such experts are then contacted by researchers and/or content advisors to provide evidence that can be incorporated into research documents distributed to MPs.

Institutions supporting constitutional democracy

In addition, state institutions supporting constitutional democracy, commonly known as Chapter Nine Institutions, provide invaluable evidence for the work of the parliamentary committees. These institutions are independent and subject only to the constitution and the law and must be impartial and exercise their powers and perform their functions without fear, favour or prejudice. Some of Chapter Nine Institutions include:

- *Public Protector:* Established in terms of the Section 181 of the Constitution and the Public Protector Act, 1994 (Act No. 23 of 1994), the Public Protector investigates state affairs relating to public administration.
- *South African Human Rights Commission:* The Commission was established in terms of Section 181 of the Constitution and the South African Human Rights Commission Act, (Act No. 40 of 2013). The SAHRC promotes human rights and their observance in South Africa.
- *Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities:* The Commission was established in terms of Section 181 of the Constitution and Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Act, 2002 (Act No. 19 of 2002). It seeks to ensure respect of cultural communities to protect peace, ensure non-discimination and support equality in the country, amongst other issues.
- *Commission for Gender Equality:* The Commission was established in terms of Section 181 of the Constitution and the Commission for Gender Equality Act, 1996 (Act No.39 of 1996) to ensure gender equality and the respect for and protection of gender rights.
- *The Auditor-General of South Africa*: Established in terms of the Section 181 of the Constitution and the Public Audit Act, 2004 (Act No.25 of 2004), the Auditor-General is primarily responsible for conducting audits on public expenditures.

Some of the investigative reports emanating from these institutions are tabled in parliament and are easily accessible for committees to consult the evidence. In the case of a report being tabled in parliament, the Speaker of the NA and the Chairperson of the NCOP will refer the written instrument to the relevant committee(s) for consideration and reporting. For example, the Public Protector has published a report on an investigation of improper conduct, corruption, conflict of interest and irregular appointment of an employee by the former Chief Executive Officer of Media Information and Communication Technology Sector Education and Training Authority. This report provides evidence that the Portfolio Committee on Higher Education, Science and Technology may utilise for its oversight purpose over the entity. In July 2019, reports emanating from the Commission for Gender Equality were referred by the Speaker to the portfolio committees for consideration. Examples of such reports include (Parliament of South Africa, 2019, p. 4):

- *Report of the Commission for Gender Equality*. Bound by duty to care: Assessing Correctional Service Centres on the Health and Welfare Services for Female Offenders (2018), was referred to the Portfolio Committee on Health; the Portfolio Committee on Justice and Correctional Services; and the Portfolio Committee on Women, Youth and Persons with Disabilities.
- *Report of the Commission for Gender Equality*. Gender rights under Culture rites: Assessing women's empowerment through the Houses of Traditional Leaders in South Africa (2018), was referred to the Portfolio Committee on Human Settlements; Water and Sanitation; the Portfolio Committee on Social Development; the Portfolio Committee on Health; the Portfolio Committee on Women, Youth and Persons with Disabilities; and the Portfolio Committee on Police.

Sharing evidence within and from parliament

In addition to external stakeholders, parliament, through the NA, NCOP and the Joint Rules, makes provision for committees of parliament to confer with each other. This method assists in the sharing of evidence and also enhances and strengthens the oversight function of committees. The Money Bills Amendment Procedure and Related Matters Act, 2009, also provides in Section 10(6) that a committee may advise the Committee on Appropriations that an amount must be appropriated specifically and exclusively for a purpose mentioned under a main division within a vote (Parliament of South Africa, 2009, p. 14). This is possible when evidence from another committee is presented to the Appropriations Committee.

As part of the staff complement of committees, parliament allocates a communications officer to a cluster of committees, who communicates by means of a media statement devised and approved by the committee/s on certain matters to inform the public. Furthermore, the communications officer also informs the public about the events that are about to take place in a specific committee. In general, the media plays a significant role in making evidence available to the committees. As parliament cannot be everywhere at all times, some issues are disclosed in media reports and this often prompts committees to invite the responsible entity or department to brief it on the evidence that was made public in the media. In this sense, another role player that serves as an important contact point between the work of parliament and civil society is the Parliamentary Monitoring Group (PMG). PMG is a non-governmental organisation that aims to "provide accurate, objective, and current information on all parliamentary committee proceedings in the form of detailed, unofficial minutes and documents" (PMG, 2020). Although not directly contributing to evidence use in parliament, PMG's capturing of committee activity contributes towards building evidence around parliament's oversight functions.

Implications for evidence

The sections above highlight an array of state and non-state actors that can provide parliament with evidence to ensure evidence-based parliamentary oversight. Conduits for the flow of evidence to and from MPs and committees were demonstrated through the work of parliament's knowledge workers and media output on behalf of the institution. The flow of evidence from such networks is evident in parliament's legislative process. A review of committee discussions on Bills reveals high levels of input by individuals and organisations. It is, however, questionable whether the same levels of evidence input are forthcoming from such networks to enhance the oversight process. Committees have robust schedules with many legislative oversight requirements, potentially limiting the opportunities for engagement with external networks. Ultimately, the uptake of evidence through such networks hinges largely on the political will to do so.

Summary

The South African case study presents a critical reflection on parliament's role as the supreme institution of governance. Overall, the findings reveal a complex web of factors influencing evidence use – the electoral system; political party dynamics; governance and structure; technical capacity; and networks. Insights in these areas are summarised in this section.

The first finding is that the electoral system has far-reaching implications for committee composition and thus influences political party dynamics including the resolve for evidence use. Evidence use in parliament varies considerably and is inconsistent. This is partly attributable to the electoral system. The finding demonstrates that a hybrid electoral system comprising proportional representation and a constituency-based system would most likely strengthen evidence use and democratic consolidation.

Second, political party discourse is characterised by a polarised political culture, with potential implications for evidence use. There are critical trends demonstrating purposive reliance on evidence to drive policy and decision-making. Such instances seem to be mostly driven by the opposition. In some cases, individual members of the ruling party, particularly on very specific matters, rely on the use of evidence to inform policy- or decision-making.

Third, the governance and structure of parliament are evolving, implicit, multi-layered and complex, notwithstanding provisions of the constitution, legislation, models, mechanisms and other instruments. The concluding remarks made by Rabie and Ajam in Chapter 1 of this book, reflect on how the governance frameworks and models offer insights for defining and measuring the performance of parliament in a holistic manner. While there is a need for further empirical research, some of the insights from a South African perspective point to the need for a review of its models, frameworks, rules and mechanisms for executing its constitutional obligations. For instance, while there is an explicit role for public participation in lawmaking, it is not as explicit in oversight. Some of the critical matters relate to enabling meaningful citizen engagement in parliamentary processes and developing implementation plans of both the oversight model and the public participation model with short-, intermediate and long-term priorities. There is a further need for institutionalising systematic evaluation in a parliamentary context.

Last, in relation to technical capacity and networks, there is clear evidence that parliament has progressively invested significantly in the development of appropriate structures and the formation of strategic networks. However, such investment in the supply side of evidence has not adequately incentivised or resulted in increased demand for optimal evidence use. The complex interplay of factors impacting on evidence use is summed up by the three findings outlined above. Essentially, evidence use is shaped by political interests and anchored on political values, with the resultant partial, distortion or selective use of evidence by Members of Parliament in executing their constitutional obligations.

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7

UGANDA: PARLIAMENTARY INSTITUTIONS AND IMPLICATIONS FOR EVIDENCE USE



Peter Acuch and Mugabi John Bagonza

Uganda's legislative history

Multiparty democracy was restored in Uganda in 2006 following a 2005 referendum on political systems. Uganda operates a presidential system of government in which the state has three arms – the executive, the legislature and the judiciary. The president is head of the state and executive; the Speaker heads the legislature, while the chief justice heads the judiciary.

Uganda has had 10 parliaments over the years. Prior to independence in October 1962, Uganda had a Legislative Council (LEGCO), which acted as a national legislature and fulfilled the function of parliament in the period 1921-1962. The 1st Parliament was in the period 1962-1967 after independence. The current parliament is the 10th Parliament and commenced in May 2016 and is due to expire in May 2021.

Notable during these periods is that the Ugandan parliament was in abeyance twice: 1971-1979 and 1985-1986. This was due to the military overthrow of the existing governments. After July 1985, the next parliament was determined on the basis of individual merit rather than multiparty politics. These events might explain the challenges Uganda has had in building legislative systems and laying the foundation for evidence use and uptake to strengthen parliament. Presently, parliament is diligent in the execution of its constitutional mandate.

Legislative mandate

Uganda has a unicameral parliament, which is the legislative body of the country. Parliament is constitutionally mandated[1] to make laws for the good governance of society and no other individual or body is mandated to make laws with the force of law. Article 79 (1) of the Constitution of Uganda (Constitution of the Republic of Uganda, 1995) provides that "Parliament shall have the powers to make laws on any matter for the peace, order, development and good governance of Uganda".

In addition to legislating, parliament is expected to:

- Represent the electorate;
- Provide, by giving legislative sanction to taxation and acquisition of loans, the means of carrying out the work of government; and

[1] Article 79, Constitution of the Republic of Uganda, 1995.

- Scrutinise government policy and administration by pre-legislative scrutiny of Bills referred to committees of parliament; scrutiny of various objects of expenditure and sums to be spent on each; assuring transparency and accountability in application of public funds; and monitoring the implementation of government programmes and projects.

The Constitution of Uganda empowers parliament to determine the sum of resources it allocates for its activities. Article 85 (1) guarantees the independence of parliament in determining its emoluments. However, the reality is that the executive has the tax collecting and revenue generation mandate and, as the head of the executive, the president has the mandate to veto the parliamentary budget. Consequently, parliament faces challenges of inadequate resources for execution of its mandate. This is despite the perceptions of the public that parliament has adequate resources to fulfil its mandate. Indeed, based on findings of the 2020 internal review process, one of the recommendations was that parliament should engage the executive to lobby for additional resources to effectively execute its mandate. As a result, many of the departments in the parliamentary service which generate and provide evidence to members and committees, are under-resourced – specifically with regard to human resources and working space and are also subject to budget cuts.

Representative role of Parliament of Uganda

The members of parliament routinely collect and present the views of their constituents. The concerns voiced by constituents are presented in various forms on the floor of the House as prescribed in the Rules of Procedure of Parliament.[2] The members are able to directly interface and consult with constituents, receive views through their agents, or engage at the member's office based in the constituency.

Every Thursday when Parliament is in session, the prime minister responds to members' questions. The views of constituents are brought to the attention of parliament and questions on matters of national importance are raised for oral answer by the prime minister or line minister or by motions for debate or by petitions. Members may participate in proceedings of any parliamentary committee, including those to which they do not belong, provided the committee is attending to an issue of interest. However, such a member could not vote if they are not designated to that particular committee.

[2] Rules of Procedure of Parliament are rules that regulate the procedure and conduct of business of the House and its committees.

In addition, members have other avenues for highlighting issues including parliamentary forums and the media. Parliament engages with stakeholders including Civil Society Organisations (CSOs), business organisations and associations, and development partners. Other than the media, there has been no deeper engagement utilising a well-structured mainstream channel with other entities to report on the substantive work of parliament. Instead, such entities have taken the initiative to reach out and partner with parliament. Indeed, efforts are underway to streamline and redefine such engagements and clearly embed them in parliament's strategic plan. Such partners could provide valuable evidence to members, staff and committees of parliament. Adoption of appropriate mechanisms could facilitate more meaningful engagement with various credible sources of evidence to improve decision-making in parliament. There has been marked success in developing partnerships with development partners, especially in the areas of capacity building and closing the financing gap. The Democratic Governance Facility (DGF) and project funding have supported the generation and use of evidence and capacity improvement of members and staff. The funding has been committed towards the production and use of evidence, and systems and processes to promote a culture of using evidence. However, such efforts have largely been ad hoc and have neither been well-structured nor mainstreamed.

The Parliamentary Commission launched a mobile application, *Bungeni*, which is aimed at increasing access and public participation in parliamentary business through Bill tracking, an online petitioning system, and live streaming of the proceedings. This has been well received by the public due probably to the fact that Uganda has an increasingly youthful population of which 75% are under the age of 18. Parliament will have to use creative and appropriate strategies to obtain and provide evidence on its decisions from this segment of the population. In the same vein, the fourth session of the 10th Parliament continued to grow its social media space with a following of 145 039 followers on Facebook and 256 000 followers on Twitter. A total of 524 742 users visited the parliament website while the front desk received 61 775 visitors. Parliament's direct engagement with constituents has increased over time and this clearly provides an opportunity to obtain evidence. In fact, there are sessions during which the Speaker and Deputy Speaker engage directly with the public on social media and respond to issues that relate to parliament and its work.

In the same light, efforts spearheaded by the ICT department have sought to popularise ICT with the ultimate aim of creating a paperless parliament. Committee reports and other materials for debate are loaded on computer tablets procured for members to enable them access and use information at their convenience. While no study to date has determined the impact on evidence use by members with the use of computer tablets, there is a general perception that evidence has been popularised and has been mentioned during debates and meetings. Members are generally aware of the importance and need for use of evidence in decision-making. In addition, progress has been made in establishing parliamentary television and radio stations. It is anticipated that these efforts will contribute positively to the use of evidence.

In a bid to increase the reach and improve engagement with the population, the Parliamentary Commission has initiated a process of translating key parliamentary publications into local languages including material on the role of MPs and the processing of a Bill. Furthermore, through the Institute of Parliamentary Studies (IPS), parliament has improved linkages with local governments by hosting a number of delegations at parliament building and delivering capacity-building programmes in the districts. Such linkages have opened direct communication channels with the lower local governments and provided avenues through which grassroots population can be engaged in the work of parliament.

Oversight role of Parliament in Uganda

Most parliamentary business is conducted through committees that are classified as Sectoral/Sessional; Standing; Ad Hoc or Select.[3]

Parliamentary committees routinely interface with the government departments, ministries and agencies that are responsible for implementation of programmes across the country. Such programmes are proposed annually by the executive; resources are appropriated and approved by parliament; and the implementation is assessed regularly by parliamentary committees. This enables members to lobby directly for services to be provided to their constituents through the various parliamentary committees.

[3] Sessional Committees oversee various sectors of the economy; Standing committees perform oversight on issues of general nature, outside mandate of sectoral committees; Ad hoc and Select committees are constituted to perform specific roles for specific durations as mandated by the parliament.

Oversight is conducted in various ways including the review of government documents; public hearings; investigations; on-the-spot visits; and the requirement that MDAs report regularly to parliament. The technical departments support the parliamentary committees by conducting research and/or analysis on laws, Bills, policies and programmes and projects.

Lawmaking by Parliament of Uganda

Parliament formulates relevant laws that govern the country. Most legislation is proposed by the executive through government-sponsored Bills that are presented to parliament by the relevant minister. The proposed legislation is referred to the relevant parliamentary committee for scrutiny and processing prior to debate by the entire parliament during plenary.

In addition, members are able to propose legislation directly by means of private members' Bills, provided they are granted leave by parliament to do so. The proposed legislation is then referred to the relevant parliamentary committee for scrutiny and processing prior to debate by the entire parliament in plenary.

The lawmaking process is consultative and open to the public. The public is usually invited to provide written memoranda for submission on a proposed law. Interested individuals are invited to appear as witnesses during committee proceedings on the draft law. Regional consultative meetings and public hearings are conducted to provide input into proposed legislation to ensure that the views are widely representative.

Members who use evidence (evidence champions) are bound to reap the dividend of visibility and, at times, this could result in re-election to parliament. This was more demonstrable during the individual merit period in parliament than it was during the multiparty structure. The experience has been that members who move motions, ask questions, sponsor private members' Bills and use and obtain evidence from technical staff, are more likely to be courted by the media.

Parliament has executed its legislative, representation and budget approval mandates despite the recent slowdown due to the Covid-19 pandemic. In the fourth session (July 2019-June 2020) of the 10th Parliament, the following were achieved: 116 sittings of the House; 25 Bills enacted; leave was granted

to 10 members to introduce private members' bills; and 51 resolutions were passed. During the same period, the Leader of Opposition (LoP) provided responses to the annual budget estimates as well alternative proposals to initiatives by the executive.

The House debates have been lively with persuasive arguments and counter-arguments from both the ruling party and the opposition. In some instances, there have been cross-party agreements on contentious issues under consideration. While evidence is generally used during debates, it is not unusual that proponents of certain positions must work harder to persuade the opponents to adopt their position. However, despite the opposition and parliament providing alternative proposals and advice, there has been limited success in amending or overturning the position of the executive largely due to ruling majority and influence of the party in government. The constitution mandates parliament to reject proposals made by the executive, and likewise the president, to decline to assent to amendments made by the legislature. In the recent past, several government-sponsored Bills have either been rejected or passed with amendments by parliament to which the executive was not agreeable and vice versa.

Bills returned to the House by the president

I	The Sugar Bill, 2016	Returned 01/01/2019
II	National Biotechnology and Biosafety Bill, 2012	Returned 27/08/2019
III	The Minimum Wages Bill, 2015	Returned 27/08/2019
IV	Local Government (Amendment) Bill, 2019	Returned 27/08/2019
V	The Excise Duty (Amendment) Bill, 2020	Returned 11/06/2020
VI	The Income Tax (Amendment) Bill, 2020	Returned 11/06/2020

The Sugar Bill, 2016 demonstrated the use of evidence in exercising the lawmaking mandate by parliament. The Bill was considered and passed with amendments by parliament, excluding the provision for zoning of sugar cane growing areas that had been proposed by the executive. The president declined to assent and returned the Bill to parliament with the reason that the absence of zoning in the sugar industry would have negative effects on the economy. However, parliament returned the same Bill, for a second time, to the president without including the provisions for zoning. The cross-party decision by parliament to reject the proposals on zoning was informed by evidence from its technical staff and key stakeholders involved in the process.

Electoral systems and evidence use

Electoral system in Uganda

Uganda subscribes to a multiparty political dispensation. The electoral cycle changes every 5 years, with presidential, parliamentary and local government elections conducted once during this period, and prior to these elections the political parties conduct their internal elections to decide on candidates for the various elective positions.

Article 77 (3) of the Constitution of Uganda (Constitution of the Republic of Uganda, 1995) states that "the tenure of Parliament shall be five years from the date of its first sitting after general elections". Similarly, the Constitution provides that "a person elected as President shall hold office for a term of 5 years" (Article 105 (1), Constitution of the Republic of Uganda, 1995).

Uganda's system of governance is presidential with a president "who is a Head of State, Head of Government, Commander-in-Chief of the Uganda Peoples' Defence Forces (UPDF) and the Fountain of Honour". Furthermore, the Constitution states that "a candidate shall be declared President that obtains number of votes cast in their favour at the presidential election that are more than 50% of valid votes cast". Therefore, the candidate with a simple majority is declared president and attains executive powers.

A key feature and concern in Uganda's electoral process has been the monetisation of elections. A study conducted by the Alliance for Campaign Finance Monitoring (ACFIM) revealed that in Uganda's last parliamentary and presidential elections held in 2016, political parties and individuals spent an estimated USD665 million.[4] In 2019, the Citizens' Coalition for Electoral Democracy in Uganda (CCEDU), a civil society organisation (CSO) that advocates for electoral democracy, highlighted certain challenges to democracy in the elections in Uganda, and these included the monetisation of politics. There is a concern that the cost of engaging in politics and maintaining political power continues to increase with society's expectation of benefits from those involved. There has been debate that communities are becoming increasingly concerned with money rather than with policy proposals made by candidates for parliamentary elections. There is a danger that candidates without finances, despite their solid political proposals based on sound evidence, are more likely to be dropped in favour of those with the capacity to finance the elections, even though their proposals might be inferior.

[4] This accounts for approximately 2.8% of Uganda's Gross Domestic Product.

Consequently, the monetisation of politics has adversely affected and impacted the electoral cycle. The elected representatives are more likely to promote the culture of patronage and appear to have the perception that financial power will ensure re-election. It appears likely that when a culture of patronage permeates society, it is the belief of members that they should recoup their investments after elections rather than effectively representing their constituents on the basis of sound evidence.

Member composition in Parliament of Uganda

The composition of parliament is prescribed, in the Constitution, Article 78 (1), as follows:

"Parliament shall consist of:

- Members directly elected to represent constituencies;
- One woman representative for every district;
- Such number of representatives of the army, youths, workers, persons with disabilities and other groups as Parliament may determine; and
- The Vice President and ministers who, if not already elected Members of Parliament, shall be ex-officio members without the right to vote on any issue requiring a vote in Parliament."

The 10th Parliament consists of a total of 456 members (see Table 7.1). There are 296 directly elected constituency representatives. The constituency representatives account for 64.8% of all members in parliament. Each district is represented by a woman member of parliament and there are 124 representatives, accounting for 27.1%. The Uganda Peoples' Defence Force (UPDF) has 10 members who represent the army in parliament, which is 2.2%. The Youths, Workers and Persons with Disabilities (PWDs) have 5 representatives. There are 12 ex-officio members of parliament, representing 2.4% of total membership.

Table 7.1 Member composition (June 2018)

S. No	Member Category	Number	Percent
1	Constituency Rep	296	64.9
2	District Women Rep	124	27.2
3	UPDF, Army	10	2.2
4	Youth Rep	5	1.1
5	Workers' Rep	5	1.1
6	Rep of PWDs	5	1.1
7	Ex-officio	11	2.4
Total		456	100

Source: DRS Factsheet on Composition of Parliament of Uganda (March 2020).

The number of members has continued to increase in successive parliaments. In 2020, parliament approved the creation of new constituencies, including representatives for the elderly and, as a consequence, the 11th Parliament is expected to increase to at least 527 members.

Political party representation in parliament

A total of 5 political parties are represented in the current parliament, as shown in Figure 7.1. The party in government, which has been in power since 1986, is the National Resistance Movement Organisation (NRMO). The NRMO has 306 members, accounting for 70% of total membership; hence it has the majority in parliament. The official party in opposition is the Forum for Democratic Change (FDC) with 37 members, which is 8.5% of the total membership. It is followed by the Democratic Party (DP) with 15 members; the Uganda Peoples' Congress (UPC) with 7 members; and the Justice Forum (JEEMA[5]) with a single representative. There are 67 independent members of parliament, which represents 15% of the total membership.

A key innovation in the Ugandan parliament is that political parties represented in parliament are offered financial support by the government. This financial support is proportional to the number of representatives in parliament. These

[5] JEEMA is a political party and people call it the Justice Forum, but the acronym comes from it's principles.
- **J**ustice for all,
- **E**ducation for all,
- **E**conomic revitalization,
- **M**orality, and
- **A**frican Unity

funds are remitted directly to the party headquarters to assist with running the affairs of the parties. This has been hailed as a model gesture by the parties since some of these funds have been used to generate evidence to inform the alternative policies proposed by the opposition. This has made the debate more informed and the parties more competitive in terms of their constituents' perceptions.

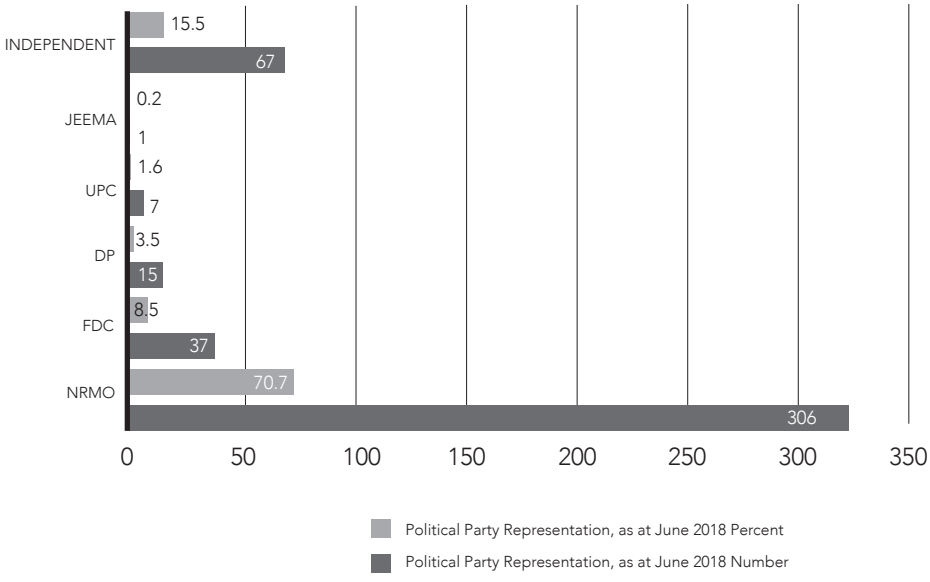

Figure 7.1 Political party representation (June 2018)

Source: DRS Factsheet on Composition of Parliament of Uganda (March 2020)

Another innovation is the Inter Party Organisation for Dialogue (IPOD) which is a dialogue platform for parties represented in parliament. The platform has facilitated inter-party discussions on areas such as law enforcement and electoral reforms. However, there have been complaints by the opposition that their recommendations have not been adopted by the government.

As can be seen above, the NRMO is the governing party with the majority of representatives in parliament. This has been the case in preceding parliaments with opposition parties having less than one third of representatives. This poses a critical challenge on issues that are in the interests of the party in government, even where evidence exists to the contrary. There have been few instances where cross-party decisions have been made on contentious issues that are supported by both the opposition and the governing party. Given that

the party in government and opposition are disproportionately represented and decisions are determined by the majority, it is unlikely that evidence will override political interests.

The NRMO is the dominant party and during the last 15 years of the multiparty dispensation, its representation in parliament has been disproportionately higher[6] than opposition parties. Hence, executive influence over representatives of the party in government cannot be over-emphasised. This, coupled with the need for political parties to caucus and preserve their interests, has impacted the capacity for evidence use in parliament. Inevitably, members often adopt the party line and disregard available evidence.

Gender composition in parliament

Parliament is composed of 159 female members, translating into 35% of the total membership and 297 male representatives – 65% of the total (see Table 7.2 below). The 159 female members include 124 district women representatives; 20 directed elected constituency members; 3 representatives of the army; 2 workers' representatives; 2 youth representatives; 2 representatives of persons with disabilities; and 8 ex-officio members of parliament.

Table 7.2 Gender composition (June 2018)

S. No	Gender	Number	Percent
1	Male	297	65
2	Female	160	35
Total		457	100

Source: DRS Factsheet on Composition of Parliament of Uganda (March 2020).

Article 78 (b) of the Constitution requires that a seat be reserved for a woman representative for each district in Uganda. In addition, the Constitution requires that "affirmative action be taken for purposes of redressing imbalances created against women by history, tradition and custom". In this regard, the local government councils are required to reserve at least a third of all positions for women.

[6] For approximately every 3 representatives from the party in government there is 1 representative from the opposition.

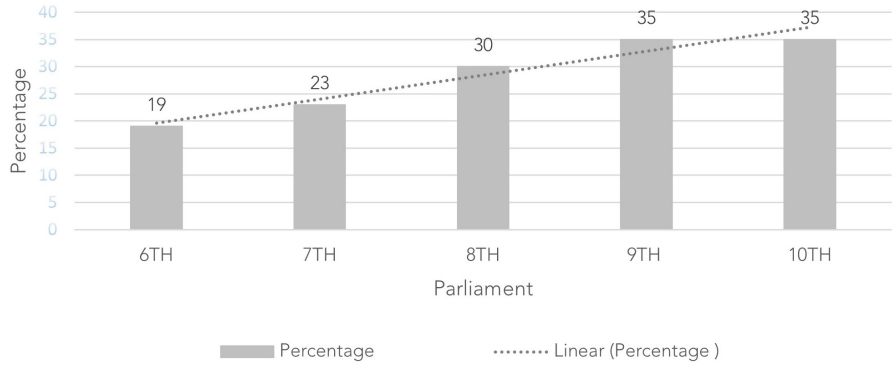

Figure 7.2 Representation of women in parliament (1996-2020)

Source: Interparliamentary Union (IPU)

The 35% female member representation is vital as it complies with the executive's requirement applicable to central and local governments. There has been a rise in the percentage representation of women in the preceding parliaments from 19% in the 6th Parliament to 35% in the 10th Parliament. This change in representation is attributable to several factors including the creation of new administrative units and constituencies. Although there has been increased female member representation since the 30% in the 8th Parliament, the increase has been marginal and is attributable to an increase in the number of districts in the country rather than to an increase in directly elected female constituency representatives.

Women representatives in parliament formed a forum known as the Uganda Women Parliamentary Association (UWOPA) which has been in existence for over 25 years. The forum consists of all women representatives but is open to men as associates or honorary members. The forum is a platform for members to caucus on specific issues and agree on common positions. Among its objectives are engendering the legislative process; mobilising women to participate in leadership and development; and ensuring realisation of the common women's legislative agenda. The forum has been critical in determining the legislative agenda on specific laws and discussions including the Prohibition of Female Genital Mutilation Act, 2010; Domestic Violence Act, 2010; and Marriage and Divorce Bill, 2017. Through the forum, evidence was generated and used during plenary debates to ensure the laws were sensitive to needs of citizens including women and girls.

Gender equity within the legislature has been one of the hallmarks of the Ugandan parliament. For instance, gender considerations are made in determining leadership positions in committees, parliamentary forums and composition of delegations to represent parliament. Most parliamentary committees have either a male chairperson or female vice chairperson and vice versa. As a consequence, there is gender awareness and sensitivity in discussions and debates and decisions are made conscious of the need for equity.

Political dynamics and evidence use

Evidence in parliament has evolved over time and there has been a marked increase in its production and use. Despite the achievements to date, limitations exist in terms of the generation and uptake of evidence by members and committees and this is due to several reasons which will be expanded on below.

Party caucusing

Political parties routinely meet with their members to discuss matters. This is necessary for parties to safeguard their political interests and guide members. Policy analysts provide evidence during party caucusing in support of the party position. Previously, decisions on crucial votes in parliament have been determined in party caucuses. Evidence uptake and usage has been impacted as members are cognisant of their party positions on matters that have been caucused. Furthermore, the disproportionate representation of the party in government has impacted on the emergence of alternative policy positions and their adoption by parliament.

However, despite the demand that members strictly adhere to the positions of their parties, this has not stopped the emergence of members opposed to the position of the party in government and these members are popularly referred to as 'rebel' MPs. These members have opposed the position of the party in government to the extent that attempts were made to expel them from the party, leading to litigation. Ultimately, the Supreme Court decided in favour of the rebel members of parliament and they retained their seats until the end of the 9th Parliament. Based on evidence that contradicts the party position, members have increasingly been emboldened to defy positions adopted by the party in government.

Temporarity of membership

Over the years, the attrition rate of members of parliament has ranged from 60%-75% with most members failing to return in subsequent parliaments. Consequently, the high attrition rate of members has impacted on the uptake and use of evidence. There is an increased need for training and discussions with members who lack legislative experience at the start of a new parliament. At the start of the 10th Parliament, the Committee on Tourism, Trade and Industry was constituted of all but one first-time members. The implication of this was that institutional memory was lost and all members required training in the basic use of evidence.

Appointment to leadership positions

Appointments to leadership positions and assignment to parliamentary committees is determined by the party leadership. The parties represented in parliament have leverage to appoint their members to positions including representation on parliamentary commissions, the Leader of Opposition, and committee leadership. This impacts the capacity of members to act outside the agreed positions of their parties, including using evidence for decision-making. Members are obliged to adhere to the party decision even when the evidence available may not support such a position.

Governance and structure

Political and administrative structures in parliament

Article 77 (1) of the Constitution of Uganda (Constitution of the Republic of Uganda, 1995) states that "there shall be a Parliament of Uganda". Parliament enjoys administrative autonomy through the Administration of Parliament Act, 1997, which establishes administrative structures, including the Parliamentary Commission. There are both political and administrative structures that interact to ensure that the mandate of the Institution of Parliament is achieved. The Administration of Parliament Act, 1997 (and The Administration of Parliament (Amendment) Act, 2006) provides for the employment and renumeration of staff of a parliamentary service.

Political structures

Speaker and Deputy Speaker of Parliament

Article 82 of the Constitution states *that* "there shall be a Speaker and Deputy Speaker of Parliament" and "the Speaker and Deputy Speaker shall be elected by members of Parliament from among themselves". The Speaker presides over parliament while the Deputy Speaker presides in the absence of the Speaker. While presiding over parliament, the Speaker ensures that debates and any business is conducted in accordance with the Rules of Procedure. The Speaker heads the legislature and chairs the Parliamentary Commission which is the policy organ of parliament.

The office of the Speaker has been a frequent user of evidence. Responses to requests for evidence have been provided in various formats including papers for presentation; technical advice; talking points; fact sheets; issue briefs; and background papers. In the same vein, the Deputy Speaker, while presiding at the opening of the inaugural Research Week in 2016, reiterated the fact that "research is critical most importantly for an institution like Parliament" and called upon "all institutions that do research to support Parliament because everything passes through Parliament". He expressed the need for "all departments in Parliament of Uganda to use the opportunity of leaders being champions of evidence to promote the use of evidence".

Clearly, the political leadership is cognisant of the need to generate and use evidence in making decisions and has been supportive in this regard. The Speaker and Deputy Speaker have reminded members of the need to support their arguments with evidence, especially during plenary debates. This has promoted a culture of evidence use and ensured that members are conscious of the need to base arguments on facts and research.

Parliamentary Commission

The amendment of the Constitution in 2005 established the Parliamentary Commission in accordance with Article 87A (Constitution of the Republic of Uganda, 2005). Prior to this amendment, the Administration of Parliament Act Cap 257, provided for the Parliamentary Commission as a policy and strategic organ to independently manage the human resources, welfare, facilities, security, reporting and operations of the Ugandan parliament.

The Parliamentary Commission is composed of the Speaker; Deputy Speaker; Leader of Government Business; Leader of the Opposition; the minister responsible for finance; and four backbench commissioners. The Clerk to Parliament is the secretary of the commission. The commission is responsible for organising and offering policy guidance to parliament. The commission discharges its duties by holding routine meetings of the entire commission and those of its sub-committees on Audit and Risk Management; Finance and Planning; and Human Resource and Administration. Decision-making by the commission is by consensus. The commission organises a number of outreach activities for the Office of the Speaker, the Deputy Speaker and the Leader of Opposition. In 2019/2020, a total of 22 outreach programmes were synthesised across the country. These activities are coordinated by the Department of Communication and Public Affairs to enable the public to interact with the top political and administrative leadership of parliament. In addition, the Department of Communication and Public Affairs coordinated guided tours of parliament for schools. In 2019/2020, a total of 37 417 students and pupils participated in the programme. This has been essential in 'opening up parliament to the people' and providing an opportunity for the constituents to interact with their representatives, to learn about the operations of parliament, and to create avenues for evidence to be received and used in decision-making.

It is not surprising that Ugandan parliament attracts new partnerships that enhance the use of evidence. Partnerships have been forged with organisations such as DFID; Makerere University Economic Policy Research Centre; UNFPA; USAID; PASGR; Uganda National Academy of Sciences (UNAS); and INASP. In some instances, the Parliamentary Commission has formalised the cooperation and partnerships through signing Memorandums of Understanding (MOUs) with the partners.

Political parties represented in parliament

The activities of political parties in parliament are coordinated by the Leader of Government Business (LGB), represented by the Chief Government Whip (CGW) for the party in government and the Leader of Opposition (LoP) for opposition parties. The CGW is a minister with 22 staff working as policy analysts and sector liaison personnel to coordinate activities of the members of parliament of the governing party. On the other hand, the LoP coordinates the activities of the opposition parties in parliament by offering alternative

policies. The office has 18 staff working as policy analysts and coordinators of the various opposition parties. The other parties represented in parliament may have party whips.

Parliamentary committees

Parliamentary committees consist of members of parliament as designated by party whips. Committees perform such functions as prescribed in the Rules of Procedure. These committees scrutinise and process work which is then reported on and considered by plenary. The work of committees is coordinated by the leadership (chairperson and vice chairperson) and secretariat (consisting of technical staff of the parliamentary service). In order to enhance the workings of committees, a forum of committee chairpersons and secretariat staff has been created. The forum regularly meets with the Speaker and administrative staff of parliament to assess committee performance.

It is common knowledge that parliamentary committees are faced with the challenge of insufficient evidence. There are clear gaps in the management of the knowledge which is available in parliament. The legislative processes, including committees and House debates, generate significant amounts information and evidence which is badly managed and poorly utilised. Parliament makes several recommendations to the executive but lacks the proper mechanisms for filtering and accessing such critical information apart from by reviewing and referring to the official record of parliament (Hansard).

Accountability committees receive evidence and produce reports but the outcomes are not mainstreamed to be adopted and used by sectoral committees. This leads to a loss of critical information which would be helpful to other committees and stakeholders to enhance performance. For example, it is not uncommon for Ministries, Departments and Agencies (MDAs) that have failed to utilize funds as per by the Auditor-General's report to be recommended for additional resources by a sectoral committee. Proposals have been made to create and manage accessible databases to help in this regard. The databases would include recommendations by parliament; government assurances; legacy reports for successive parliaments; and information on presidential appointees approved by parliament.

Administrative structures

Parliamentary service

Article 87 of the Constitution (Constitution of the Republic of Uganda, 1995) provides that a public officer be appointed as Clerk to Parliament and such other members of staff as are necessary for the effective discharge of the functions of parliament. The Clerk heads the Parliamentary Service and serves as accounting officer of the Parliamentary Commission. The office of the clerk comprises of the Clerk of Parliament, two Deputy Clerks (in charge of parliamentary affairs and corporate affairs) and a General Counsel to Parliament (Parliament of Uganda, 2020). The General Counsel and the Deputy Clerks each head a directorate which comprises different departments.

To ensure effective functioning, there have been several reforms and restructuring of the service over time. This has led to the creation of various departments and offices. Currently, there are 20 departments and political offices in the parliamentary service.

Many capacity-building initiatives in the legislature have been funded with the support of development partners. An Institute of Parliamentary Studies (IPS) has been created in Uganda with the support of development partners. The IPS has trained both members and staff of parliament in initiatives that promote the generation and use of evidence. In the 10th Parliament, the Department of Research Services has received requests from the Parliamentary Commission to provide advice and evidence to inform its policy decisions. The IPS has been instrumental in providing training and building the capacity of the DRS to perform its work. The IPS is critical to the promotion of a culture of evidence, but there is a need to improve its current activities in terms of planning, coordination and adoption to optimise the performance of members and staff.

Top Management Team

The Clerk to Parliament chairs the Top Management Team (TMT) which comprises the Deputy Clerks; General Counsel; Heads of Departments (HoDs); and Political Offices in the service. The TMT is responsible for coordinating the work of departments in implementing and achieving the strategic objectives as set out by the Parliamentary Commission.

Departments in the service

The HoDs lead the various departments within the parliamentary service deputised by Assistant HoDs. The departments are organised into smaller units referred to as sections, and these are headed by principal officers. The sections are the operational units where the work is planned, organised and implemented on a routine basis by the staff of the parliamentary service.

Given the human resource gap in the parliamentary service, there have been programmes to attract technical assistants, interns from universities and volunteers to work with the various departments on a short-term basis. In January 2020, a total of 70 technical assistants were attached to the various departments in parliament. In addition, the annual internship programme provides opportunities to at least 200 interns from various universities and higher education institutions to be attached to the various departments in parliament.

The human resource gap is indicative of challenges that are inherent to most parliaments in the region and to Africa in general. In order to effectively support members with timely evidence, there is need for parliaments to be adequately resourced. The quality and calibre of staff determines the value of the evidence that members are likely to receive. Therefore, it is important that parliaments actively commit to training and up-skilling their existing staff and to recruit the additional human resources necessary.

Implications for evidence production and use

The increasing number departments within the governance structure of parliament presents both opportunities and challenges for evidence use. The establishment of functional units[7] with clearly defined roles is evidence of the support provided by the parliamentary commission to promote the generation and use of evidence in parliament. Indeed, the office of the Speaker and the commission have championed the use of evidence in decision-making. These structures have greatly increased the availability, visibility and use of evidence in parliament. However, the various tiers within the structure – at both political and administrative levels – impede decision-making and might also lead to evidence initiatives being disregarded or discarded. In addition, there have been incidences of overlap and duplication in the production of evidence.

[7] Certain units generate and relay evidence to members for decision-making purposes.

It is imperative that evidence institutions and systems are strengthened in order to increase and improve the uptake and use of evidence. This may call for improvements in the platforms for access, storage and distribution. This will require a review of the existing support structures from the various actors on both the evidence generating and user sides to improve uptake and application in parliamentary decision-making processes.

Formation of parliamentary committees

Parliamentary committees

The formation of parliamentary committees is provided for under Article 90 of the Constitution (Constitution of the Republic of Uganda, 1995) which states "Parliament shall appoint standing committees and other committees necessary for the efficient discharge of its functions". In addition, Article 90 (3) of the Constitution states "the Rules of procedure of Parliament shall prescribe the composition and functions of committees of Parliament". Parliament has established Sessional, Standing, Ad Hoc or Select Committees. These differ in composition, functions, mandates and time frames within which to carry out their work. These committees are summarised below.

Table 7.3 Parliamentary committee membership by gender

Standing Committee, Membership	Male	Female	Sessional Committee, Membership	Male	Female
Business, 60	43	17	Agriculture, Animal Industry and Fisheries, 25	16	9
Appointments, 26	16	9	Defence and Internal Affairs, 22	17	5
Budget, 33	26	7	East African Community Affairs, 22	12	10
Government Assurances and Implementation, 34	21	14	Education and Sports, 25	15	10
Public Accounts (Central Governments), 40	27	13	Finance, Planning and Economic Development, 24	20	4
Public Accounts (Local Governments), 36	25	11	Foreign Affairs, 23	18	5
Public Accounts (Commissions, Statutory Authorities and State Enterprises), 37	26	11	Gender, Labour and Social Development, 19	10	9

Table 7.3 Parliamentary committee membership by gender (continued)

Standing Committee, Membership	Male	Female	Sessional Committee, Membership	Male	Female
Rules, Privileges and Discipline, 32	23	9	Health, 23	10	13
HIV/AIDS and Related Matters, 35	17	18	Information, Communication Technology and National Guidance, 21	17	4
Human Rights, 33	22	11	Legal and Parliamentary Affairs, 26	20	6
Equal Opportunities[8]	-	-	Natural Resources, 27	20	7
National Economy, 37	31	6	Physical Infrastructure, 29	24	5
Climate Change[9]	-	-	Presidential Affairs, 21	15	6
			Public Service and Local Government, 21	13	8
			Science, Technology and Innovation, 20	14	6
			Trade, Tourism and Industry, 25	17	8

Source: Compilation by authors (2020)

There are 13 Standing Committees and 16 Sessional Committees. Sessional Committees are aligned with the sectors of the economy and are expected to oversee Ministries Departments and Agencies (MDAs) in their areas of specialisation. The committee membership averages 30 and the leadership changes every parliamentary session. Standing Committees handle issues of a general nature that are not handled by the Sessional Committees. The committee membership averages 30 and the leadership changes every two and a half years.

As shown above, there are generally more male than female representatives on most committees. This composition is explained by the composition by male and female representatives of 65% and 35% in parliament, respectively. However, there is gender consciousness and equity when appointing leadership in committees with the majority having either a female chairperson and male vice chairperson or vice versa.

[8] Information on committee unavailable.
[9] Information on committee unavailable.

Committee leadership

The Sessional Committee leadership (chairperson and vice chair) are designated by the government party's whip.[10] The leadership of Standing Committees that deal with accountability issues is decided by the chief opposition whip. The leadership of non-accountability Standing Committees is decided by the governing party's whip.

Designation to committees

The members are designated to Standing and Sectoral Committees by party whips. The designation is guided by members' interests, qualifications, experience and the discretionary powers of the party whip. On the other hand, independent members must apply to the Clerk to parliament expressing their interest to be designated to a particular committee. The number of members from a given party designated to a particular committee is determined by proportion of party representation in parliament. The rules of procedure of parliament require that a member only belongs to two committees i.e. one Standing and one Sessional Committee. In some instances, members might belong to a third committee, including either budget, business or appointments committees by virtue of their responsibility or position as a committee leader.

Committee secretariats

Staff from the parliamentary service are attached to committees to support the leadership and members in executing duties and responsibilities. These staff are informally constituted into a committee secretariat and perform administrative and technical work. These staff are drawn from the departments of Clerks; Research Services; Legislative and Procedural Services; Parliamentary Budget Office; and Official Report. In addition, the policy analysts working with the offices of the Leader of Opposition and Government Chief Whip are attached to the committees.

Implications for evidence use and uptake

The practice of designation of membership by party whips affects the capacity of committees to independently oversee the executive in implementation of programmes. Indeed, members have, at times, expressed their dissatisfaction at being deployed to committees where they lacked interest or competence. Such circumstances inevitably affect members' interest in using evidence.

[10] Whips are appointed by parties to ensure party discipline among its members and other functions as may be determined by the party.

A large amount of parliamentary work is processed and scrutinised by committees before it is considered and debated in plenary. Parliamentary committees meet and interface with witnesses including experts and government officials from various departments, ministries and agencies to receive advice or reports on implementation of various programmes. Whereas members of parliament may not all be experienced, qualified and competent in the areas handled by committees, the witnesses and officials possess the necessary knowledge. However, parliament is expected to competently interact with them and offer alternative policy positions. Therefore, unless the staff are proficient, competent and experienced enough to advise and provide the much-needed evidence, the mandate of parliaments cannot be effectively discharged.

The dual membership to committees affects the capacity of such members to effectively participate and contribute to the work of committees. Indeed, this was observed in the 2nd Annual Legislature review of the Parliament of Uganda (Annual Legislature Review report, October 2018).

Parliamentary staffing and support structures

Introduction

The availability and use of evidence is critical to effective parliamentary legislation, oversight and representation and contributes to sound public policy, good governance and accountability. The parliamentary service has departments involved in the generation and use of evidence that supports parliament's decision-making processes and the discharge of its functions. Such evidence is generated and provided to committees and MPs by, among others, research officers; policy analysts; legislative and procedural services; and the budget office. In addition, expert witnesses provide evidence directly to parliamentary committees and forums.

The departments that produce evidence in parliament

Parliamentary Budget Office (PBO)

The Budget Act, 2001 was enacted to "provide for and regulate the budget procedure for a systematic and efficient budgetary process and for other matters connected therewith" (Budget Act, 2001). The Act established the PBO "consisting of budget and economic experts to provide Parliament and its Committees with objective and timely analysis for Parliamentary budget

process" (Budget Act, 2001). The PBO undertakes sectoral scrutiny of the national budget for committees, and reviews National Budget Framework Papers (NBFP), detailed budget estimates, and ministerial policy statements (MPS). Consequently, the PBO advises parliament on budgetary issues and makes recommendations to the executive (Moon, ODI, 2012). The PBO staff are attached to committees to which they provide analysis of the budget and monitor the utilisation of resources allocated for implementation of programmes and projects by the executive. The analyses support parliament's scrutiny of the budget proposals and assessment of performance of the budget.

Department of Legislative and Procedural Services (DLPS)

The department provides technical support to the House and members and committees of parliament in drafting proposed amendments, private members' Bills, as well as motions, resolutions and questions. In addition, the department interprets existing laws and provides an analysis of Bills as the need arises. Staff are attached to parliamentary committees to which they offer guidance through briefs, opinions and analyses.

Policy analysts in political offices

Policy analysts from the offices of the Leader of Government Business (LGB) and Leader of Opposition (LoP) are attached to parliamentary committees. The analysts from the office of LGB coordinate the government business in parliament and ensure that any policy issues are clarified by ministries, departments and agencies. Conversely, policy analysts from the office of LoP analyse government proposals and offer alternative policies.

Department of Research Services (DRS)

The Department of Research Services comprises a multi-disciplinary team of researchers offering in-house research services, analysis and technical advice to committees, MPs and staff of parliament. Staff from the service are attached to all committees and answer specific questions upon request and undertake proactive research to meet the demand for evidence in parliament. The service generates, synthesizes, packages and communicates evidence to decision makers. The research services produce a range of products for members and committees of parliament including routine research papers and briefs; fact sheets; briefs for the Speaker and parliamentary commission; Bills and policy analysis briefs and reports; monitoring and evaluation reports; pre- and post-legislative study reports; constituency profiles; information papers; and

proactive research reports. Based on their longstanding support offered to the parliamentary commission, the DRS staff have gained the reputation as the 'resident consultants' of parliament.

There has been an upturn in the number of products generated annually by the DRS in the past 5 years. The number of outputs increased from 567 in FY 2014/15 to 981 in FY 2018/19. This has been achieved with 35 staff in the department. The number of products produced each year is expected to increase in the medium-term to between 2 300 and 2 500. However, this would require a commensurate increase in the number of staff to 70[11] (DRS Restructuring Report, 2020).

Implications for evidence use

There has been a significant increase in the visibility and use of evidence in parliamentary committees, and this is largely attributable to the technical staff. The number, quality and capacity of these staff has improved significantly through exposure and training. There has been an increase in pre-committee meeting briefings to chairpersons and members (in-house meetings) and technical staff have been requested to be present at the meetings. In addition, approaches to the use of evidence have evolved, with committees insisting that evidence is adduced to support decisions that are made.

Despite an increase in the number and capacity of staff and an improvement in the use of evidence over the years, there is room for improvement to support the generation and use of evidence in parliament. The technical staff and experts should be able to work together to provide collaborative evidence to decision makers. As noted in a report by INASP, "inter-departmental linkages are weak – the various departments largely independent of each other – with no formal collaborative working arrangements" (INASP, 2017). The ability of parliament to effectively discharge its functions is related to the quality, capacity and expertise and the number of staff and experts that can offer support.

Networks and other innovations

"The parliament of Uganda is developing its networks with the country's extensive research and higher-education community in order to leverage external expertise to meet its burgeoning research and evidence needs" (INASP

[11] The assumption is that the number of members will reach 500, and that 40% of members will request 4 products a year.

(2017). The DRS, cognisant of its limited capacity, has established networks with knowledge organisations both locally and internationally. This has led to several initiatives aimed at increasing available evidence and promoting its uptake and use.

The parliamentary commission has supported MPs and staff to participate in international engagements including attending international meetings, conferences, and benchmarking events with other parliaments. As a consequence, Uganda has continued to be recognised by other parliaments and has successfully hosted recent activities including the 64th Commonwealth Parliamentary Conference (CPC) in 2019; the 42nd meeting of the Parliamentary Union of Islamic Countries (PIUC); the Executive Committee in 2019; the 13th meeting of the East African Speakers and Clerks; and the 10th East African Community Inter-parliamentary games in 2019.

Initiatives for increasing available evidence and promoting uptake and use

Collaboration between DRS and Uganda National Academy of Sciences (UNAS)

Collaboration with UNAS was formalised through a Memorandum of Understanding (MoU) in 2016. The MoU enabled capacity development between DRS and UNAS through experience sharing, working on joint projects, and secondment of scientists and young scientists to work with the DRS. The Young Scientists Scheme involves graduate scientists volunteering with the DRS on a long-term basis, thereby offering their expertise while being trained in parliamentary policymaking, evidence use and communication. In the past, scientists and members of parliament have been paired to facilitate science uptake and communication for decision-making.

Research Week

An inaugural Research Week was held in August 2016 between the DRS, INASP, UNAS and several research and academic institutions in the country. This was a platform for the DRS and partner research institutions to showcase research products and to interest members of parliament in the use of evidence for decision-making. The Research Week involved a number of activities within and outside the precincts of parliament including a research symposium; knowledge cafes; and exhibitions by DRS and guest research institutions.

As a result of the activities of the Research Week, there was an increased consciousness of the need for evidence in parliamentary debates and committee work; a sharp upturn in the research requests received by the DRS; improved collaboration with parliaments in other countries and the DRS in organising the Research Week; and an increase in collaborative activities and partnerships between the DRS and other research and academic institutions. Preparations are underway for the DRS to organise the second Research Week at the commencement of the 11th Parliament in 2021.

Collaborative studies with academics/universities/research institutions

The DRS has collaborated with higher education institutions and universities on a number of research projects. The academics have been paired with staff in the department to undertake research and develop policy briefs on matters of topical interest. The academics and staff of the DRS have presented the findings from the policy briefs with relevant parliamentary committees for action and decision-making. There has been an increased interest in partnerships between research institutions and the DRS and over the years.

Constituency profiling

The DRS has profiled parliamentary constituencies by documenting basic information to provide a reference on the level of availability of services. The constituency information profiled includes the number of administrative units; demographic characteristics; natural resources; road network and condition; communication services; education services; economic and business activity; and budgetary allocation for services. The profiles are used to lobby for additional services; assess service delivery by the executive at the lowest levels; and to track resources and gather evidence for budgetary allocation and monitoring purposes.

Reconstruction of records of parliament

The DRS is in the process of reconstructing the records of parliament by identifying and documenting members of parliament from the first parliament in October 1962 to date. The DRS has been tasked to retrieve records of members in previous parliaments by tracing them across the country. The project has been well received and is a source of evidence for future references.

Conclusion

The Parliament of Uganda has the constitutional duty and power to enact laws, represent constituents, and approve and monitor resources for the implementation of government programmes. This mandate is best executed with increased availability and use of evidence. There is little doubt that parliament has ample opportunities to access evidence from various MDAs to support its mandate, including the Uganda Bureau of Statistics. Parliamentary committees are privileged with the powers of the High Court to summon any witness or direct any institution to avail them with any kind of evidence.

Despite increased opportunities for enhanced use of evidence, a committed leadership to promote the use of evidence, and the availability of resources, huge gaps still persist in the production and use of evidence. The low demand for evidence has been attributed variously to a poor reading culture; ruling party dominance; party interests and caucuses; inadequate and (at times) unreliable data and sources; and apathy in appreciating the importance of evidence. However, the leadership has championed the increasing calls in parliament for improved access to and availability of evidence. It is hoped that this will be achieved through application and adoption of innovative approaches to production, promotion and use of evidence. Availing more resources (for example, arranging to hold the Research Week at the beginning of each parliament) would increase availability, simplify access, and diversify the approaches used for the dissemination of evidence. It is estimated that this could potentially triple the use of evidence beyond current levels. Obviously, any initiatives would need to build on existing efforts to improve the production and use of evidence.

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7.1

NOTES FROM PRACTICE: LESSONS ON CITIZEN ENGAGEMENT FROM THE UGANDA PARLIAMENT WEEK

Josephine Watera

Introduction

Parliament is an arena in which the representatives of the people consider issues of public concern and interest and the optimal ways of mobilising and sharing resources to meet national aims and aspirations (Aboagye, 2011, p. 28). The Parliament of Uganda is established under Article 77 of the 1995 Constitution. The primary functions include the power to make laws on any matter for the peace, order, development and good governance of Uganda, to protect the constitution and to promote the democratic governance of Uganda (Republic of Uganda, 1995). The three cardinal roles of Ugandan parliament are legislative, representative and oversight.

The concept of citizen participation in Ugandan parliament

The principle of citizen participation in Uganda is entrenched the Constitution of the Republic of Uganda. The Article 1 of the Constitution states that "all power belongs to the people" (Republic of Uganda, 1995). Uganda's national objectives and directives and the principles of state policy further compel the government to take the necessary steps to involve the people in the formulation and implementation of development plans and programmes that affect them. Additionally, Article 38 (2) of the Constitution further provides that "every Ugandan has the right to participate in peaceful activities to influence policies of government through civil organisations". With reference to parliament, the Rules of Procedure encourage citizen participation both at plenary (Rule 230) and committee level (Rule 205).[12] The strategic plan of parliament 2016-2020 also focuses on citizens as voiced in its vision "a transformed, independent and people-centred parliament" with the second strategic objective being "increased public involvement and participation in parliamentary business" (Parliament of Uganda, 2016). The Global Parliamentary Report launched in 2012 at the Inter-Parliamentary Union Assembly in Kampala, Uganda, observed that parliaments are experiencing considerable low levels of trust while facing an increasingly demanding electorate (Power, 2012). A recommendation of the report was the necessity to address the current low levels of trust and in order to do so parliaments must establish a mechanism for engaging with the citizens, remain closely attuned to their needs and make every effort to meet them. The report argued that this could be achieved by means of more democratic engagement between the electorate and parliaments.

[12] The Rules of Procedure guide the operations of parliament.

The Ugandan parliament has instituted a number of initiatives to enhance citizen engagement in parliamentary processes. One such initiative is Uganda's annual Parliament Week which is the main focus of this paper. A brief background of the week and further discussion is provided on the achievements, challenges and lessons.

Background to the Uganda Annual Parliament Week

In November 2016 the Parliament of Uganda adopted ***'The Strategic Plan for the Parliament of Uganda for the period 2016/17 to 2019/20'***. The plan highlights parliament's strategies for fulfilling the National Vision 2040 and the second National Development Plan. Strategic Objective 3.4.2 of the Parliament Strategic Plan calls for increased public involvement and participation by all. This is crucial if parliament is to achieve its mission of being a people-centered parliament.

Parliament Week is an annual week-long event held in January with the aim of bridging the gap between parliament and the public. Specifically, the objectives are to create awareness about the role of MPs and the mandate of parliament; establish linkages between parliament and local governments; increase access to parliament by the public (stakeholders); encourage public participation by making parliament more accessible to the public; and establish a feedback mechanism between parliament and the public (Nsimbe, 2020).

Parliament Week offers citizens the opportunity to understand the avenues and mechanisms for channeling evidence in parliament. The Parliament of Uganda has to date held four annual Parliament Week events with most recent having taken taking place from Monday 20 January to Saturday 25 January 2020 under the theme *'Parliament: Building a strong democracy in Uganda'*.

Organisation and execution of the annual Parliament Week

The annual event features a number of activities that have made the week highly engaging and attractive to the audience. During the Parliament Week, the precincts of parliament are opened up to the public for tours and interactive sessions with MPs and staff of parliament. On each of the four previous events, the week was launched with a fundraising walk led by the Rt. Hon. Speaker to

raise awareness on the plight of persons with albinism and to raise funds for the construction of a rehabilitation centre for persons with albinism. A number of corporate bodies, organisations and supporters joined the campaign. The 'Meet your Member of Parliament' session and guided tours of parliament have enabled the public to better understand the work of parliament and to obtain information on how they can participate in influencing decision-making.

On the second day, inter-denominational prayers are held to unite religious leaders, legislators, and members of the public who are all invited to renew their faith and commit the year to the Almighty God. Another key highlight of this week is the departmental exhibition stalls which provide an opportunity for each department and administrative unit in parliament to showcase their work to the public. Other government ministries, departments and agencies also participate as exhibitors. Different eminent figures have accompanied the Rt. Hon. Speaker on a tour of the stalls. In 2020, the Parliament of Uganda hosted the president of the Inter-Parliamentary Union in commemoration of the 130-year anniversary of the IPU.

The week provides an opportunity for dialogue between MPs, academia and civil society to focus on parliament's contribution of democracy in Uganda. The week closes with the so-called 'public parliament' where members of the public act as MPs for the day and hold a mock plenary session. The Rt. Hon. Speaker and the Leader of the Opposition open the public parliament. The debates are captured in a public parliament Hansard and submitted to the Rt. Hon. Speaker for follow-up.

Achievements and successes of the Uganda annual Parliament Week

The week has gained increasing prominence and draws visitors from other parliaments who attend to learn lessons on how to hold a similar event in their national parliaments. Among these have been delegations from Zambia, Namibia, Ghana and Zimbabwe. Parliament Week has been highly participatory for stakeholders within parliament and also beyond parliament including government ministries, departments, agencies and development partners.

The week has attracted an average of 6 000 members of the public, making it the biggest open parliament event. Participation is not only by passive listening but also through active deliberations with MPs, question and answer sessions

during parliament tours; and resolutions of the public parliament which are ultimately tabled for discussion in the main plenary.

What remains as challenge?

There has been no concrete evaluation of the four annual Parliament Weeks to determine the extent of the success of the weeks or what could have been be done differently. A survey would be an ideal step towards registering the successes and challenges of the initiative.

The week is held at the parliamentary precincts in the capital. The location has tended to appeal more to the elite public in the city who can easily access parliament. Plans are underway to hold similar smaller events at regional level to reach out to the public audience in the rural areas. The limited space in the plenary chamber dictates the numbers that can be admitted for the public parliament. As a result, many of the members of the public miss out on this popular activity of the week. Completion of the new parliamentary chambers currently under construction with its bigger seating capacity will address this challenge.

Lessons

The role of leadership through the Office of the Speaker has played a key role in ensuring successful execution of the Parliament Week and encouraged the participation of other stakeholders. Additionally, having a specific coordination centre assists in the arranging and implementation of the week. The week is coordinated by the Department of Communication and Public Affairs (CPA), enabling the participation of the whole institution towards a common goal.

It is important that an event of this nature is carefully planned. The week is part of parliament's strategic plan and has a specific budget allocation and, hence, ownership, continuity and sustainability are assured. The timing of the week is also critical. The January dates chosen for the event chosen are regarded as the most suitable as parliament is still on Christmas break, schools are still on holiday, and public offices are in the third quarter of the financial year and are therefore less busy. The level of success would not be the same if the week were the event to be held at any other time of the year.

Conclusion

The annual Parliament Week has provided a platform for increasing public participation and improving the confidence of the public in the institution of parliament. The high numbers and enthusiasm surrounding the event shows that the public attaches value to the institution of parliament. It would be very useful if an opinion survey could be conducted amongst the participants to accurately determine how influential and impactful this initiative has been.

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7.2

NOTES FROM PRACTICE: THE ROLE OF PARLIAMENTARY BUDGET OFFICES (PBOs) IN PARLIAMENTARY BUDGET OVERSIGHT

Tania Ajam

Introduction

This case study provides a brief illustration of the significance of Parliamentary Budget Offices (PBOs) as independent fiscal institutions being introduced by parliaments more frequently as a means of critically assessing and providing evidence on fiscal policy and performance. PBOs have critical roles in supporting parliamentary oversight and budget appropriation roles. As outlined by Dubrow (2020), PBOs' potential critical contributions to budget oversight include providing independent analysis; review and monitoring of governments' fiscal policies, plans and performance; developing or reviewing macroeconomic and budget projections; and review of budget and policy proposals. When they are autonomous and apolitical, PBOs serve as parliaments' internal sources of evidence and technical analytic capacity that can support independent scrutiny of information provided by the executive.

PBOs as internal sources of evidence in budget oversight in African parliaments

Historically, budget processes have been dominated by largely unfettered executive discretion and minimal accountability and transparency, with African parliaments playing a limited role in the budget process without any real influence. In recent years, the adoption of new constitutions and the enactment of new budgetary legislation have created greater scope for parliaments to appropriate and amend budgets and exercise oversight over their execution. The expanded fiscal role of parliaments and the concomitant need for financial data, information and policy insight and analysis on public sector budgets and their impacts on the economy and development goals have prompted countries such as Uganda, Kenya and South Africa to legislate the establishment of PBOs. The Parliaments of Ghana and Malawi are in the process of setting up their own PBOs and other parliaments are also considering this option.

Parliamentary Budget Offices in Uganda and South Africa

The structures of the various PBOs differ markedly. In Uganda, for example, PBO staff are attached to committees which they support through budget analysis and monitoring budget and programme implementation by the executive. In South Africa, the PBO mainly services the finance committees and appropriations committees of both Houses, whereas parliamentary researchers of the finance cluster support the other committees.

Uganda was the first parliament on the African continent to establish a PBO which was established by the Budget Act in 2001 as a support and advisory office on economic policy and the national budget. The PBO's evaluation reports triangulated with the Auditor-General's audit reports have been instrumental in recoveries of substantial amounts of money and resources. Examples were the recovery of the land titles belonging to the national broadcaster which had been fraudulently assigned to an individual, and a scandal by the Bank of Uganda where banks were closed irregularly, leading to significant financial losses to both the private banks and the government. Another significant example is an evaluation by the leader of the opposition on a torture chamber locally known as *'Nalufenya'*. The findings on the abuse of citizens' rights resulted in a detailed parliamentary investigation and the facility was closed.

The PBO in South Africa was established in 2013 by the Money Bills Amendment Procedure Act, 2009. The PBO seeks to ensure compliance and operationalisation of Money Bills and is eligible to obtain information from any state organ whose funds are derived from the National Revenue Fund. The PBO engages with other units in the parliament as well as external stakeholders such as CSOs and has been commended for elevating parliaments' ability to interrogate budgetary outcomes and enabling MPs to debate money Bills (Mc Lennan, 2018). It has, however, been suggested that the PBO office needs to be more effective, i.e. to function beyond simply critiquing the budget and the Medium-Term Budget Policy Statement (MTBPS) and should instead be providing MPs with evidence on costings and economic trend analyses that could contribute to more effective lawmaking (Merten, 2020).

Challenges and lessons for parliamentary budget oversight

While there are examples of evaluations and other forms of evidence influencing public resource allocation and budget execution, the political environment surrounding budget approvals tends not to be conducive to the use of research and other forms of evidence and monitoring and evaluation reports are not, as a rule, articulated with the budget-making processes.

Researchers, PBO officials and other evidence providers may struggle to maintain their independence and impartiality in the highly politicised environment. Findings critical to the governing party may, for example, not be

welcomed or may be dismissed as being of poor quality simply because the findings are politically embarrassing. Findings by researchers that are critical of the government may be interpreted as supporting opposition parties. Most of the research produced tends to be driven by demand from MPs, but research briefs and full reports are also produced proactively. While the majority of the research outputs produced tend to be desktop-based, fieldwork is also sometimes conducted to generate primary research.

Thus, the independence of PBOs and the adequate capacitation of PBO researchers and staff are essential to ensuring that they perform their pivotal role of supporting parliamentary budget oversight in their respective parliaments. In addition to establishing linkages with external fiscal institutions and evidence brokers, PBO researchers should be in constant engagement with parliamentary structures, particularly parliamentary committees, to facilitate the demand for fiscal evidence and support for its use by MPs. Importantly, PBOs need to be able to provide timely and credible fiscal evidence which is clearly presented with minimal jargon, understandable and informs policymaking. When exercised effectively, the important budget oversight role of the PBOs should contribute to effective oversight and could, for example, assist in curbing corruption and ensuring transparency in budgetary outcomes – both of which continue to be challenges on the continent.

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8

ZAMBIA: PARLIAMENTARY INSTITUTIONS AND IMPLICATIONS FOR EVIDENCE USE



Saraphina Banda, Japheth Chanda and Vincent Kanyamuna

Setting the stage

The Parliament of Zambia has a constitutional mandate to represent the citizens in issues of development and human rights. Among its many other responsibilities, parliament makes laws and approves government estimates of revenue and spending. These roles and responsibilities give parliament a unique development mandate. For that reason, its mechanisms for generating and utilising evidence, including its internal monitoring and evaluation (M&E) arrangements that support its operations, is increasingly crucial. Efforts being made through innovations and initiatives need to be encouraged so that functional linkages between parliament and all other levels of development are strengthened.

The Zambian system has three organs of government – the executive, the judiciary and the legislature. The National Assembly is the legislature and plays a crucial role in the governance of the country. Parliament has been in existence since 1964 when Zambia obtained its independence from Britain. The roles and responsibilities of the National Assembly are embedded in its vision and mission statements, respectively. The vision of the National Assembly of Zambia is: *To be a model legislature for democracy and good governance* while the mission statement is: *Committed to effectively and efficiently carrying out its legislative, oversight, representative and budgetary functions.*

In Zambia, Cabinet ministers are appointed by the president and are therefore part of the executive arm of government. In addition to their executive roles, these Cabinet ministers continue to represent their constituencies as MPs and are required to fulfil dual roles. MPs' roles range from attending and debating in parliamentary sessions and committees to ratifying appointments of constitutional office bearers such as the Attorney-General, Auditor-General, Solicitor-General, Director of Public Prosecution, High Court judges, Supreme Court judges and other important constitutional appointments made by the president.

MPs also oversee the executive by participating in committee work. For example, MPs work through the Public Accounts Committee (PAC) to examine the accounts of appropriation of sums granted by the National Assembly to meet public expenditure and the reports of the Auditor-General on these accounts and such related accounts. The PAC also exercises the powers conferred on it under Article 117 (5) of the Constitution of the Republic of

Zambia. MPs exercise budgetary control over the executive in matters of public finances by means of parliamentary committees and debates when budget has been presented to parliament by the Minister of Finance. It is worth noting that no tax can be levied or expenditure incurred by the government without the approval of parliament.

Electoral system and parliamentary composition

The electoral system of the National Assembly of Zambia is mixed. For presidential elections, a 50% plus one threshold is required for a candidate to be declared president. For issues concerning constitutional matters, there is a two-thirds majority requirement for legislation to be passed. On all other matters, the 'winner-takes-all' arrangement applies.

In Zambia, parliamentary elections are held every five years to elect MPs in the 156 constituencies. To contest parliamentary elections, one must meet the minimum requirements set for the parliamentary seat which include being over 21 years of age and also possessing a School Leavers' Certificate (Grade 12). After the elections, the president has the constitutional privilege of nominating not more than eight MPs. Thus, the number of MPs including the Speaker, 1st Deputy Speaker and the Vice President (president's running mate) brings the total number of MPs in the Zambian Parliament to 167.

The breakdown is as follows:

- Elected MPs – 156
- Nominated – 8
- Speaker – 1
- Vice President (president's running mate) – 1
- First Deputy Speaker – 1

The nominated MPs enjoy the same rights and privileges as their elected counterparts who represent constituencies. This means that they participate in all the business of the House and have the same voting powers. The rationale behind the nomination of eight MPs by the president is to meet the needs of special interest groups which may have been excluded in the ordinary elections where most MPs are sponsored by political parties. Ideally, the nomination is intended to represent disadvantaged groups such as females, the youth and the disabled. Further, the president may nominate to parliament any person

deemed to possess exceptional skills. For example, the current Minister of Finance served in the same portfolio under a different administration from 2008 to 2011. The immediate past Minister of Labour immensely contributed to the growth of the labour movement in Zambia as a woman. These appointments were in recognition of their experience and achievements in their respective fields.

It is debatable whether the nominated MPs only represent the interests of the executive as they do not represent a particular constituency. As backbenchers, the nominated MPs, can hold the executive to account. If presented with solid data, backbenchers can participate freely in governance matters through parliament. It is clear that there may be some misgivings about their objectivity because it could be argued that, as presidential nominees, they would intrinsically be obliged to serve the interest of the executive – especially when the House is split on a particular matter. For example, conflict is bound to arise in cases where the individual MP's position does not sit well with the sponsoring party's official position. In Zambia, the whipping system requires MPs to toe the party's line.

Critics argue that party positions often supersede what evidence dictates, or what citizens want. However, it is not uncommon in the Zambian Parliament for MPs to 'rebel' and side with positions that they believe to be credible, especially in the face of proper evidence. These dynamics have implications on evidence use in parliament and, in general, on the credibility and impartiality of its oversight role.

The 1st Session of the 13th National Assembly of Zambia, which was ushered into office on 12th August 2021, is composed of the following Members of Parliament:

Table 8.1 Composition of the Zambian Parliament

No.	Name of Political Party/Office	Number of MPs
1.	Patriotic Front (PF)	60
2.	United Party for National Development (UPND)	82
3.	Party for National Unity and Progress (PNUP)	1
4.	Independent Members of Parliament	13
5.	Nominated Members of Parliament	8
6.	Vice President (PF & Leader of Government Business)	1

Table 8.1 Composition of the Zambian Parliament (continued)

No.	Name of Political Party/Office	Number of MPs
7.	Speaker	1
8.	1stDeputy Speaker	1
Total		167

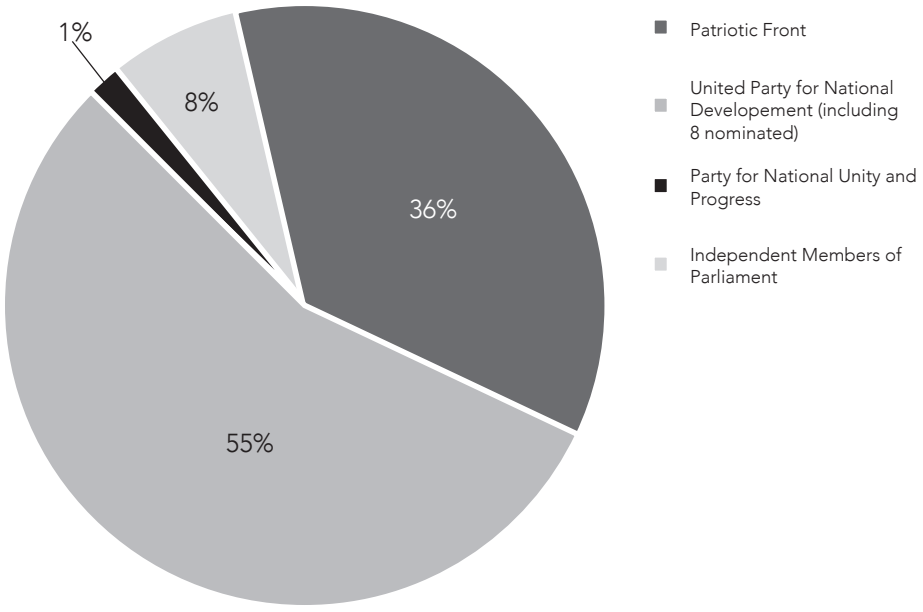

Figure 8.1 Composition of Parliament by Political Party

The United Party for National Development (UNDP) commands 55 percent of the MPs. The Patriotic Front (PF) has got the second largest representation in Parliament with 60 MPs translating into 36 percent. The 13 Independent MPs account for 8 percent of parliament. The Party for National Unity and Progress (PNUP) have a 1 percent representation. As stated above, the President nominates not more than 8 Members of Parliament. Additionally, the Speaker of the National Assembly is elected together with the First Deputy Speaker (elected from outside Parliament under election of Presiding Officers) and Second Deputy Speaker. For the speakers, each party in the House floats the names of its preferred candidates.

F rom Figure 8.1 above, it can be noted that the uneven party representation, together with the whipping system, entails that the ruling party has a high

probability of passing bills that would be approved by Parliament given its proportion of the house. This can be attributed to the whipping system where party position supersedes individual MP's position.

The gender representation of members in the Zambian Parliament is 140 males and 24 females as shown in figure 8.2 below:

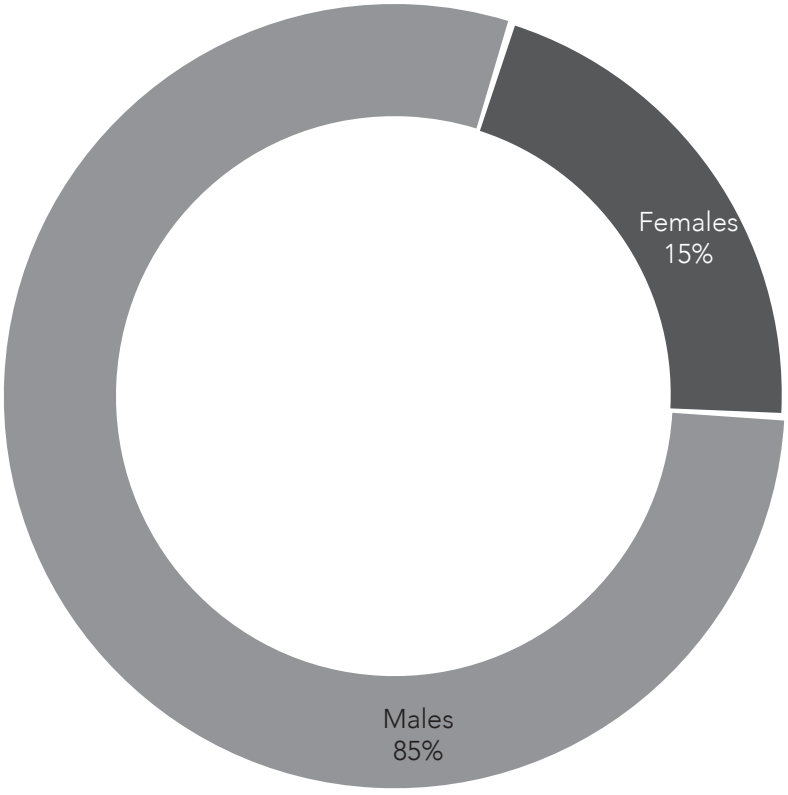

Figure 8.2 Composition of Parliament by gender

Clearly, there is poor representation of women in Parliament just like in other key positions in Zambia. In the era of advocating for gender equality, there is need for even representation by recognizing the importance of adequate women representation as being vital for policy making. Notwithstanding this, some efforts which call for better female representation in Parliament are being made to address this gender disparity.

In terms of experience in Parliamentary work, it is difficult to ascertain the actual numbers as some seats are being petitioned by losing candidates. However, 58 percent of MPs were first-timers without any experience in Parliamentary

practice and procedure in the 12th National Assembly of Zambia. Below is the breakdown of MP experience in Parliamentary work in the 12th National Assembly:

- First elected – 58%
- Second elected – 25%
- Third elected – 13%
- Forth elected – 3%
- Fifth elected – 1%

Parliament's organogram

The National Assembly of Zambia operates on a dual system – the administrative function and the political function. The structure of the National Assembly of Zambia is shown below.

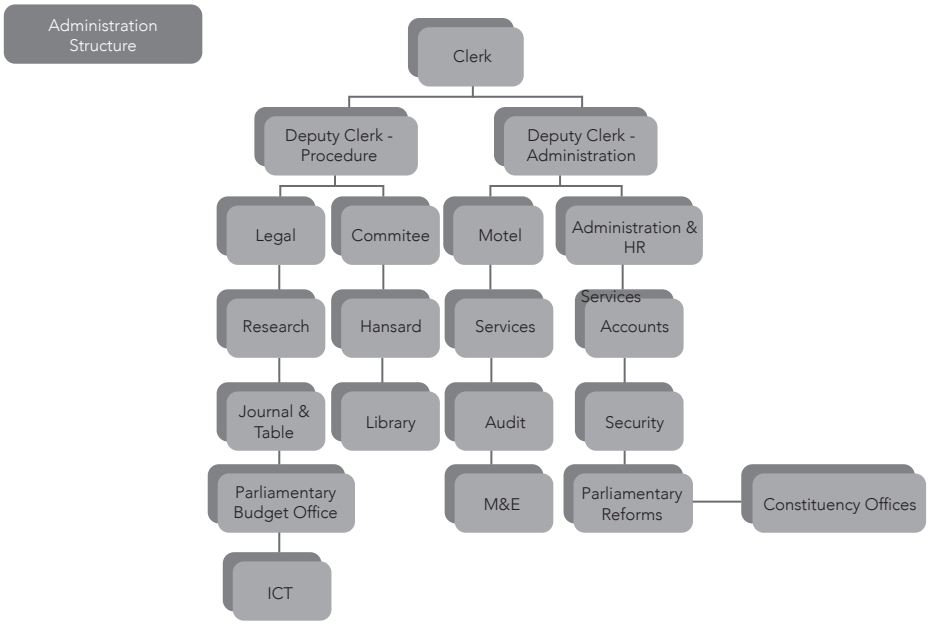

Figure 8.3 Organogram of the National Assembly of Zambia (Administrative Structure)

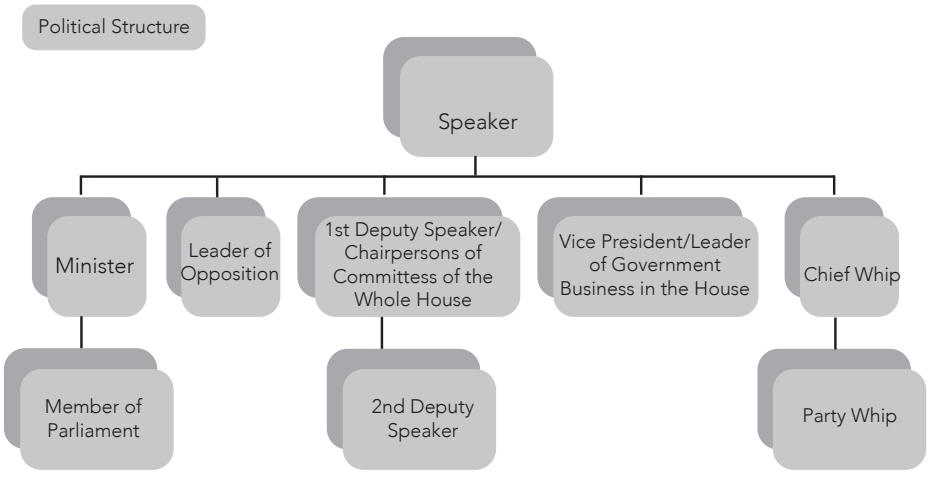

Figure 8.4 Organogram of the National Assembly of Zambia (Political structure)

The Vice President – the Vice President serves as the leader of government business in the House and is the sole custodian of all government activities brought before parliament.

The Speaker – the Office of the Speaker is established under Article 69 (1) of the Constitution of the Republic of Zambia and is the custodian of parliamentary procedure, Bills and all parliamentary papers and publications. The Speaker is the guardian of the dignity and privileges of the House through whom MPs claim and enjoy their rights of access to the president. In addition to presiding over the debates of the House, the Speaker physically chairs the Standing Orders Committee and is the chairperson of all Sessional and Select Committees.

The Deputy Speakers (First and Second) – the Constitution of the Zambia allows for two MPs to deputise the Speaker.

The Government Chief Whip – the government Chief Whip is an official of the ruling party whose task is to ensure party discipline in the legislature and to ensure that members of the party vote according to party positions, rather than according to their own individual ideology. Whips are the party's 'enforcers' and some allege that this conflicts with the mandate of representing the electorate.

Leader of the Opposition – the Leader of the Opposition has the role of holding government to account. This entails questioning government on its actions and policies and proposing alternatives.

Cabinet Ministers – hold ministerial leadership positions in the various ministries to which they are assigned, and they are part of both the legislature and the executive. There are currently 30 Cabinet ministers in Zambia.

Provincial Ministers – there are 10 provinces in Zambia and activities in these provinces are under the provincial leadership of provincial ministers.

Members of Parliament – under the Zambian electoral system, one may serve as an MP through party sponsorship, nomination by the president, or by running as an independent candidate.

Political party dynamics, temporality, and incentives for evidence use

The Zambian parliamentary system has undergone three stages since Zambia's political independence from Britain on 24 October 1964. The three stages are:

- Multiparty system (1964 to 1972);
- One party system (1972 to 1990); and
- Multiparty system (1991 to date).

Prior to independence, two main political parties existed in Zambia and these played a vital role in the process of obtaining independence. This was the beginning of the first multiparty system. At the time, the Zambian Constitution provided for 80 MPs of which 75 were directly elected and 5 were presidentially nominated seats. By 1972, the so-called First Republic came to an end and advent of the Second Republic ushered in a one-party state which rendered redundant the political parties existing at the time. In 1991, pressure from trade unions and the creation of a political party called the Movement for Multiparty Democracy (MMD), resulted in a revolution which led to the re-introduction of the multiparty system which exists to date. Since 1964 the number of parliamentary seats has continuously increased with the current number standing at 156.

Political parties continue to play vital roles in advancing the development agenda in Zambia. Despite the notable changes in the political systems, political parties adhere to their party manifestos and constitutions and this is maintained by the whipping system in parliament. The opposition and the government have distinct whips who ensure that discipline prevails and that the agendas of the respective parties are adhered to. This means that

parliamentary business and accountability mechanisms predominantly follow party lines. Consequently, it can be argued that individual member's desire to pursue and use evidence is, to some extent, undermined.

While it is evident that some MPs are motivated to hold the executive accountable on many public issues, it is also notable that other matters requiring serious interventions by the parliament do not receive the necessary attention from MPs. This could be attributed to the low motivation and incentive system for evidence provision and use by the National Assembly. While efforts have been made to boost the supply side of evidence, the demand for evidence from MPs remains low. Thus, the inability to achieve an appropriate equilibrium is a concern in the Zambian Parliament.

Systems of evidence use in the Zambian parliament

The demand for the use of evidence by the MPs in the Zambian Parliament is typically low. According to the Evaluation Report of the National Assembly of Zambia Strategic Plan 2015-2019, some of the reasons advanced for the low demand include:

- Lack of appreciation of evidence leading to low utilisation, especially when MPs are of the view that such evidence is unlikely to be used to inform decision- and policy-making;
- Lack of skills to identify which evidence would be useful; and
- Lack of sufficient time to scrutinise Bills owing to the prevailing system.

Significant efforts have been made by government and its stakeholders to enhance the demand for and use of evidence in the Zambian Parliament. The first deliberate step was to ensure that evaluation benefits were realised through the introduction of the M&E functions across government institutions. In that regard, the government, through the Ministry of Finance and, more recently, through the Ministry of National Development Planning, established the Government-Wide Monitoring and Evaluation System (G-M&E system). The G-Wide M&E system is a robust public sector institution-wide system whose main objective is to help monitor, track, evaluate and measure various multi-sectoral changes arising from development interventions implemented across government.

The 2018 National M&E Policy instructs all government institutions to create M&E structures responsible for the function of M&E. In compliance with the National M&E Policy, the National Assembly of Zambia set up a M&E department in 2019 as part of the parliamentary reforms. The department's mandate is confined to monitoring and evaluating the institution's internal performance. The M&E Department also acts as a bridge in reporting to the broader government-wide M&E system which attempts to track progress of National Development Plans (NDPs). However, as the M&E Department is still at a developmental stage, it has many limitations in terms of human, technical and infrastructural capacities which prevent it from fulfilling its designated M&E mandate across the institution. Currently, the M&E Department is understaffed with a staff complement of three. These include the Principal Clerk (Head of Department), the Deputy Principal Clerk and an M&E Officer.

The proposed (yet to be approved) organogram of the ideal M&E structure for the Zambian Parliament is shown below.

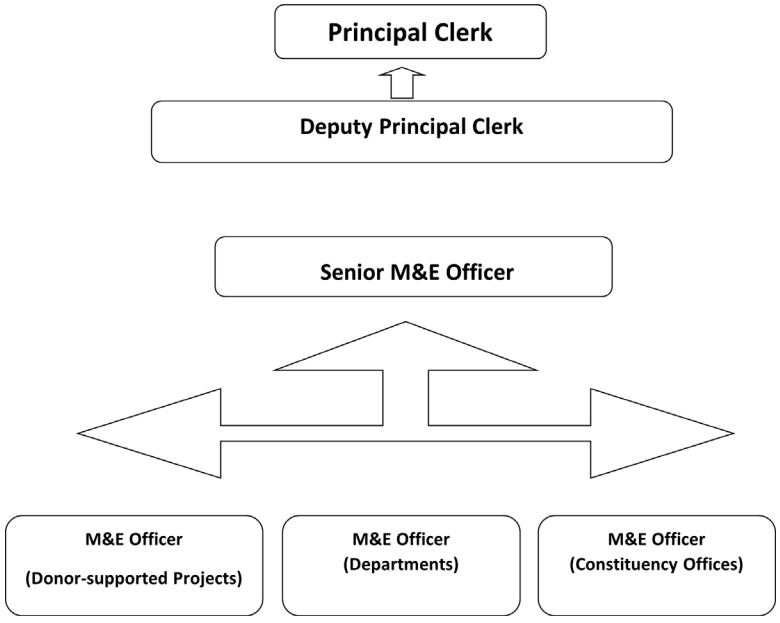

Figure 8.5 Organogram of the ideal M&E structure for the Zambian Parliament

The research department of the Zambian Parliament also plays a significant role in supporting evidence use. The 13 researchers that serve the National Assembly of Zambia have the mandate of coordinating and undertaking

research tasks that feed into parliamentary processes. The breakdown of staff in the Research Department is as follows:

- Principal Clerk – Research – 1
- Deputy Principal Clerks – 2
- Senior Research Officers – 2
- Research Officers – 6
- Research Assistants – 2

Six (6) researchers directly support the work of eleven (11) portfolio committees and two (2) general purpose committees. The support includes providing administrative and technical services to the committees with data and information from internal and external sources as demanded by various committees being collected and shared by the research department. However, as the case is with the M&E Department, the research department remains too under-staffed to perform its work effectively.

The primary democratic function of parliament is that on behalf of the electorate it oversees government administration and subjects its activities to detailed scrutiny. To fulfil this important function, parliamentary committees scrutinise the administration of government to ensure accountability. Parliament probes any maladministration and makes recommendations for improvement.

The Zambian parliamentary committee system is established within the laws of Zambia. Article 80 of the Zambian Constitution and Standing Order 165 provide for the formation of parliamentary committees in the National Assembly. The current committee system has been in existence as far back as the pre-independence era. This system brings the legislature face-to-face with bureaucrats, thus increasing the information available to parliament on governmental issues. Through committees such as Public Accounts, the line ministries and other wings of the executive appear before parliament as witnesses

Committees are at liberty to call any person and/or request any document that will assist in their work. The feedback from these engagements is used to improve public sector decisions, policymaking and practice.

As can be seen in Table 8.2 below, there are various committees with different mandates in the Zambian Parliament. Of particular interest to evidence use in Zambia is the "Committee on Government Assurances as well as the Budget

Committee. The Committee on Government Assurances is mandated to scrutinise all assurances, promises and undertakings made by the Vice President and Cabinet Ministers on the floor of the House, with the objective of ensuring that these are implemented, and to comment on delays in implementation and also the adequacy of the action taken" (Parliament of Zambia, 2020).

The Budget Committee is mandated to report on economics, organisational improvement, and the efficiency of administration reform consistent with the policy underlying the estimates, and to examine whether financial resources are allocated according to the limits of policy implied in the estimates. It also studies matters related to coordination, control and monitoring of the national budget (Parliament of Zambia, 2020).

The 13th National Assembly consists of a total of fifteen (15) portfolio committees, as shown in Table 8.2 below.

Table 8.2 Committees in the Zambian Parliament

Type of committee	Committee name
House Keeping (internal affairs)	Standing Orders Committee
	House Business Committee
	Parliamentary Reforms and Modernisation Committee
	Committee on Privileges, Absences and Support Services
General Purpose (watchdog /investigatory)	Public Accounts Committee
	Planning and Budgeting Committee
	Committee on Delegated Legislation
	Committee on Government Assurances
	Public Accounts Committee
Portfolio (scrutinising functions of government)	Committee on Agriculture, Lands and Natural Resources
	Committee on Media, Information and Communication Technologies
	Committee on Education, Science and Technology
	Committee on Energy, Water Development and Tourism
	Committee on Health, Community Development and Social Services
	Committee on Legal Affairs, Human Rights and Governance

Table 8.2 Committees in the Zambian Parliament (continued)

Type of committee	Committee name
	Committee on National Guidance and Gender Matters
	Committee on Local Government Accounts
	Committee on Local Governance, Housing and Chiefs' Affairs
	Committee on National Economy, Trade and Labour matters
	Committee on National Security and Foreign Affairs
	Committee on Parastatal Bodies
	Committee on Cabinet Affairs
	Committee on Transport, Works and Supply
	Committee Sport, Youth and Child Affairs
Select (ad hoc)	Expanded Budget Committee
	Select

In terms of composition, these committees typically consist of 10 MPs drawn from different political parties. In constituting the committees, the Standing Orders Committee ensures that there is equitable representation across the political divide. Gender balance, professional/academic qualifications and experience are additional factors considered. Membership to committees is for the full life of each parliament. Chairpersons and vice chairpersons are elected at the first meeting of each committee. A quorum requires half of the committee members to be present at a meeting.

The functioning of each committee is supported by a Clerking Officer who is responsible for its day-to-day administration. The Clerking Officer coordinates the programme of work for a particular committee. Once endorsed, the programme of work becomes binding, and MPs follow it to guide the implementation of annual activity.

Parliamentary staff prepare background papers, briefing notes and draft recommendations/reports for use by MPs in committees. All summoned witnesses are asked to prepare memoranda to guide deliberations. Except for the House Keeping Committee meetings which are held in camera, recordings of the proceedings of all other committees are broadcast nationally.

Evidence for the committees comes from several sources which include government documents, research papers, and think-tanks who hail from across sectors such as academia, research institutions, professional associations, civil society, etc. In the Zambian Parliament, various players contribute to evidence – both for demand and supply. In terms of demand, MPs make the most calls for evidence to support their work. On the supply side, think-tanks such as the Zambia Institute for Policy Analysis and Research (ZIPAR) and the University of Zambia Institute of Economic and Social Research (INESOR) are the chief providers of evidence. Cooperating partners, faith-based organisations, other interest groups and individuals either provide or demand evidence for use in the Zambian parliament. For instance, parliament has the power to summon witnesses to make submissions on specific issues. Overall, it is also important to mention that when it comes to evidence use by parliament, the citizens of Zambia also have a role to play. Parliament always invites witnesses to submit evidence on matters of national importance.

The committee system in Zambia does not operate without some challenges. For instance, the Standing Orders do not provide for minority reports. This means that consensus must reached at committee stage or the report falls away. This system can potentially suppress dissenting views if they are in minority. The other challenge is high turnover of MPs. After the 2016 general elections alone, 40% were returning MPs, 56% were new MPs while 4% were new constituencies. Further, the conduct of business in committees is time-bound and this tends to create an impression that the scrutiny of Bills, national budgets and other development processes are rushed. Similarly, the fact that committees have fixed programmes of work renders the ability to respond to emerging issues ineffective. For example, despite the outbreak of Covid-19 and the compelling evidence pointing to significant emerging challenges, committees of parliament continued work on issues as outlined in original work programmes. Few committees, including the Budget Committee, deviated from their original programmes of work to consider supplementary budgets associated with Covid-19.

The National Assembly of Zambia includes parliamentary caucuses whose role in evidence use is vitally important. These caucuses are voluntary groups of MPs with interests in specific subject areas. They operate outside the normal committee system, but the emphasis of their work is to allow MPs to interrogate in detail various matters such as climate change, development evaluation, women's issues and so on.

Technical capacity and practice of the parliamentary support function

The National Assembly of Zambia has various support functions from different departments and committees. For instance, the Research Department plays a key role in providing relevant data and information (evidence) to the institution. However, this section focuses on the technical capacity and practice of the M&E parliamentary support function.

Prior to 2019 the M&E Department did not exist. The responsibilities of the department include monitoring the National Assembly's departmental activities, providing data on the progress of activities implemented, and communicating regularly with decision makers, potential funding bodies, and local internal stakeholders. M&E increases the efficiency of the planning process and implementation of measures to monitor and assess performance of parliament. Thus, the department assists in optimising the use of resources through provision of empirical evidence to inform future planning, budgeting and implementation.

The M&E Department focuses on the promotion of evaluation practices through the annual tabling of departmental performance reports and strategic-level reports. The Clerk, as Chief Executive Officer, is the overseer of departmental activities and is custodian of all records and documents through which the performance on planned activities is tracked. However, the M&E Department faces challenges such as:

- Lack of experience and skills in M&E in Parliamentary setups;
- Limited financial and human resources;
- Gaps in technical knowledge with regard to defining performance indicators; and difficulties in the retrieval, collection, analysis, preparation and interpretation of data due to limited data availability from the departments; and
- Inefficient and inadequate M&E practices.

To tackle these issues, key recommendations regarding evaluation procedures, context and communication between departments, and measures that could be considered include:

- Ensuring that the Government of the Republic of Zambia facilitates effective and efficient evaluation practices by reviewing of all monitoring, evaluation and research activities to clearly define the roles and responsibilities of the responsible managers;
- Building capacity for discharging roles effectively to optimise data collection and reporting practices;

- Employing more staff in the M&E Department;
- Sensitising staff of the National Assembly on the importance of evaluation practices and the potential benefits for planning processes and desired results of these processes;
- Improving the financial capability of the M&E Department; and
- Equipping the M&E Department with sufficient ICTs to function effectively in the Covid-19 era.

Role of Parliament within the Government-wide (G-wide) M&E system

The role of parliament is acknowledged in the G-Wide M&E system as that of providing legislation and oversight. However, there is no alignment with parliamentary control and oversight procedures. Parliament, as the arm of government tasked with overseeing the legislation system and approval of government estimates of revenues and expenditures (that is, national budgets), could play a significant role in the successful implementation and strengthening of the G-Wide M&E system (Government of Zambia, 2016; 2017).

The Annual Progress Reports (APRs), however, and other M&E-related documents, do not mention parliament's role in strengthening M&E functions in the public sector. It is not clear how parliamentary control and oversight procedures are being undertaken in the context of national M&E (Government of Zambia, 2009; 2010; 2012; 2013; 2014; 2016; 2017).

Furthermore, other than mention of the way that parliament is planning to participate in cluster advisory groups, there is currently no clear evidence of parliament's M&E-strengthening role. While parliament performs its traditional role of oversight through committees and debates on the floor of the House, visits to selected project and programme sites could serve to engage parliament in a more interactive way.

The G-Wide M&E efforts remain uncoordinated and fragmented in terms of linkages and contribution to the functionality and operational arrangements of the system (Government of Zambia, 2015; 2017). For example, although parliament is involved in discussions on National Development Plans (NDPs), there is scant evidence on how this engagement takes place. Parliament participates in the development planning process through parliamentary

constituency offices at ward and district levels during the NDP consultative process, though to a limited extent. Further, parliament's participation is critical in providing oversight during the implementation of NDPs, especially through annual budgetary hearings and approvals.

The G-Wide M&E system does not have a strategy in place for disseminating M&E outputs on poverty to parliament. Instead, there is only a general dissemination of poverty data to all national stakeholders through the Zambia Statistics Agency (ZSA) reports, APRs and related reports. Presentations and reports to Parliament are unstructured and are typically voluminous and do not have user-friendly summaries for easier reference by parliamentarians. In that regard, the G-Wide M&E system is weak because parliament plays an oversight role in the governance system of the country.

A stronger G-Wide M&E system should be structured in such a way that parliament and its committees would play a dual role of supplying M&E data/information and demanding M&E outputs to enhance its participation in the development process of the country. On the supply side, this means parliament should elicit evidence from within the institution or collect it from other external sources and make it available for use by stakeholders within the operations of the National Assembly. Parliament could gather evidence from a wide range of sources including evaluation reports, research studies, surveys, etc in order to hold the executive arm of government accountable.

The G-Wide M&E system recognises parliament as one of the major M&E information users. However, there appear to be fragmented issues of appropriateness, timing, timeliness and the format of the necessary M&E outputs required to meet the needs of parliament. Although general reports are disseminated to parliament, there is need for more innovative data presentation and visualisation, rather than the current format of bulky reports (APRs, etc). Further, M&E data and information would be more useful to parliament if it was produced at constituency level. Currently, data is produced only at provincial and national level even though the National Assembly collects some data for its internal use (programming) (Kanyamuna, 2019). In addition, the G-Wide M&E system would benefit from a well-defined framework for engaging parliament. For example, there should be a way to link what happens in parliament and constituencies with government programmes across the country. If such information is harmonised and synchronised within a functional G-Wide M&E

system, parliament could operate more effectively with improved evidence-based policy and decision-making processes. Parliament would then be better placed to demand proper accountability and transparency from the executive branch of government based on evidence and real-time information supplied by a stronger G-Wide M&E system. Similarly, additional evidence would be drawn from other sources such as universities, CSOs, citizens and others and could be used to cross-check information provided through the executive arm, including the G-Wide M&E system.

In terms of parliament's use of information from the G-Wide M&E system, no clear evidence is available to prove the practice. The debates by parliamentarians are guided mainly by topical issues (usually popular media subjects) and some reports tabled by the executive. However, parliament has been using data from the statistical office (ZSA) to inform policy and to obtain information on various projects being implemented in the country. In the absence of a functional G-Wide M&E system, parliamentarians use various sources of information and these include the media and other unsubstantiated sources. Thus, when reliable internal and external information sources are established, it becomes easier for researchers in parliament to be able to provide valid, relevant and reliable evidence and effectively synthesise it for MPs' uptake and use. This highlights prevailing concerns regarding credibility, reliability and relevance.

Through Action Taken Reports (ATRs), parliament asks for explanations from the executive on various topics of interest. In such cases, the executive is compelled to respond by providing evidence on issues raised. In this regard, it can be argued that parliament has the capacity to use M&E information effectively. However, before being used by parliamentarians, such information must be appropriately packaged, presented, simplified and consistent. The M&E Department is required to package the evidence as required by various stakeholders in parliament. Needless to say, this is currently not done to the required standard (Kanyamuna, 2019).

Networks and other innovations to facilitate evidence use in the parliament of Zambia

Since the establishment of the M&E Department in 2019, the National Assembly of Zambia has taken a keen interest in improving and promoting evaluation practices within parliament. For example, the Zambian Chapter of

APNODE has been formed with the M&E Department as its Secretariat. The formation of APNODE may help bridge the gap between stakeholders in relation to evidence use as the Zambian chapter will attempt to address both the supply and demand aspects. It would be ideal to reach the level where evidence is made available to parliamentarians who appreciate its importance in the development process. National Assembly management is committed to this cause as it sees APNODE as a vehicle for improving government capacity for transparency and accountability.

The National Assembly of Zambia also collaborates with the Centre for Learning on Evaluation and Results-Anglophone Africa (CLEAR-AA) in the area of promoting M&E in parliament. To cement this relationship, the two institutions have signed a 5-year MoU which will guide the partnership. The two institutions are in the process of developing and implementing a programme of capacity strengthening, technical assistance, research and knowledge sharing in accordance with the principles of evaluation and research.

Parliament is strengthening ties with the Ministry of National Development Planning (MNDP) which has the responsibility of coordinating the G-Wide M&E system. As a starting point, it has been proposed that parliament staff be oriented in its Management Monitoring System (MMS) which is being rolled out as a data collection and reporting tool across government. Further, parliament is part of the cluster advisory group on governance and participates in activities coordinated by the secretariat (Ministry of Justice) which culminate in quarterly reports to the president on progress made regarding the implementation of activities in the 7th National Development Plan.

In the recent past, the National Assembly of Zambia has forged strategic partnerships with M&E institutions such as the Zambia Monitoring and Evaluation Association (ZaMEA), the African Evaluation Association (AfREA), and the African Community of Practice on Managing for Development Results (AfCoP). Efforts are also being made to establish a working relationship with the Inter-Parliamentary Union (IPU) and the SADC M&E network for possible support. These collaborations are all aimed at strengthening M&E processes and promoting evidence use which will, in turn, consolidate and strengthen evaluation practices in parliament.

Conclusion

The chapter has demonstrated that in terms of adopting, implementing and strengthening the supply and demand for and use of evidence internally and externally, the National Assembly of Zambia has shown commitment at both organisational and leadership level. As could be appreciated from the structural and organisational arrangements, there are many stakeholders within and outside parliament who play key roles in ensuring that the practice of using evidence is institutionalised and sustained. Various stakeholders, including the executive arm of government, the judiciary, civil society, academia and other research-related institutions, offer an opportunity for strengthening the agenda for transformational use of evidence in the Zambian parliament.

However, in order for parliament to strengthen evidence use, it should restructure itself to respond to the prevailing challenges and strive for a culture of generating and utilising evidence in its parliamentary processes. Practically, this may compel redefining the roles and responsibilities of the M&E Department, Research Department and Parliamentary Committees by creating new initiatives to strengthen the M&E function, as well as other functions supporting evidence use. By doing so, the culture of supplying and demanding evidence will truly empower the Zambian parliament and parliamentarians to facilitate development based on sound evidence and thereby increase efficiency and effectiveness in the legislature.

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9

ZIMBABWE: PARLIAMENTARY INSTITUTIONS AND IMPLICATIONS FOR EVIDENCE USE



Gilchriste Ndongwe and Ronald Munatsi

Introduction

As has been the case in other post-colonial African states, Zimbabwe inherited a colonial system of governance which was primed to serve the interests of the minority (Dzinesa, 2017). Before the 1980 independence from colonial rule, black representation in parliament was limited and the majority of black citizens were disenfranchised and unrepresented. (Rutherford, 2001). After inheriting this system, Zimbabwe African National Union-Patriotic Front (ZANU-PF) took a conciliatory stance and adopted the constitution known as the Lancaster House Agreement which ensured that specific parliamentary seats were reserved for the former colonisers with the understanding that if they contested in unprotected polls they would lose (Arnold & Wiener, 2007). The implication was that 20 of the 100 seats in the House of Assembly and 10 of the 40 seats in the Senate were reserved for white Zimbabweans who had their voters roll and constituencies. From the 40 Senate members, the ruling party ZANU-PF was mandated to appoint 10 traditional chiefs to the Senate giving it a head start before the election. The implication was that the parliament of Zimbabwe was not representative in the true sense because it was created to cater to specific political objectives.

In the years following independence in Zimbabwe, ZANU-PF remained in power and amended the constitution to consolidate power in 1987. Methods used to consolidate power included the abolishment of seats reserved for whites, transitioning from the British system of governance to a hybrid system through the creation of an executive president, and abolishing the role of the position of Prime Minister (Murisa, 2014). In addition to these changes, ZANUPF also abolished the Senate in 1989 resulting in the expansion of the National Assembly from 100 to 150 members. Although the Senate was re-introduced in 2005, it is important to note that these historical developments are significant to understanding the current political economy, the governance system and role of parliament in the Zimbabwean political arena. The changes also show that the structural fabric of the parliament of Zimbabwe was and is being treated as fluid by the arms of the state.

In addition to these changes, ZANU-PF boosted its parliamentary majority by giving the executive president the power to appoint 30 additional members of parliament. These included the provincial governors, traditional chiefs and non-constituency members of parliament (Makumbe, 2009). This structure effectively gives the party which wins the executive presidency a head start

of 30 MPs before elections even take place. The fact that these 30 additional members of parliament serve at the pleasure of president also leaves little room for antagonising the executive arm of government thereby having a direct impact on the power of parliament. An example is the 5th Parliament of Zimbabwe (2000-2005). From the start of independence in 1980, ZANU-PF had not experienced a serious challenge to its power, but the formation of the Movement for Democratic Change in 1999 resulted in ZANU-PF losing a significant number of urban constituencies. Of the 120 National Assembly constituencies which were contested, ZANU-PF won 62 seats while opposition political parties won the other 58 seats (Dorman, 2005). Although this was a close call, by holding the executive presidency, ZANU-PF retained a nearly two-thirds majority through the additional 30 appointed members of parliament. Several scholars have argued that the additional appointed members dilute the voice and agency of the citizens and that it weakens the independence of the parliament from the executive arm of government. The practice of the president appointing additional members of parliament is still prevalent although it is currently limited to the Senate where the ruling party still appoints 25% of the senators.

It is important to note that the current constitution of Zimbabwe provides for constitutional democracy with an executive president who is not a member of parliament. The Zimbabwean constitution technically reflects a constitutional democracy with its three pillars of state – the executive, the judiciary and the legislature – intended to derive their existence, mandates and power from the constitution. However, this constitutional democracy still reflects remnants of the British system of governance e.g. the president still appoints executive cabinet members from parliament. The implication is that the governance system is a balance of the presidential and parliamentary system which shows some diffusion of power.

Although the constitution mandates that power is separated between the three pillars, in practice there is little or no separation. There are specific legal provisions which weaken the separation of power. First, the executive appoints 25% of the Senate which means that they only need to win a small proportion of the contested seats to have a majority in the Senate and control how the Senate performs its role. Second, the executive Cabinet is drawn from the National Assembly and the executive is often large and, at times, exceeds 40 members and this directly affects the accountability, scrutiny and use of other sources

of evidence in parliament. Third, the majority of members in the executive hold senior positions wielding significant power in their political party which makes scrutinising and holding them accountable through parliament difficult. Besides the legal provisions, there has been a gross violation of the doctrine of separation of powers over time especially during Robert Mugabe's rule and this appears to be unchanged (Van Cranenburgh, 2009). As part of the ruling party ZANU-PF government, the executive has always been all-powerful and not accountable to the extent that it has stifled or manipulated the functions of the other two arms state and has remained in power through repression (Bratton & Masunungure, 2008).

A legal provision such as the Presidential Powers (Temporary Measures) Act (Chapter 10, p. 20) is a prime example of one of the instruments which give the president powers to create law and interfere with the independence of both the judiciary and parliament. The Act allows the president to enact or proclaim any measures when he feels it is necessary to address arising issues "in the interests of defence, public safety, public order, public morality, public health, the economic interests of Zimbabwe or the general public interest and the situation cannot adequately be dealt with in terms of any other law" (Presidential Powers (Temporary Measures) Act (Chapter 10, p. 20). In 2013, for example, Mugabe used this act without parliamentary approval as a means to amend the Electoral Act in which he was a candidate and this resulted in disputed elections. The history of Zimbabwe has shown that the doctrine of separation of powers in the country is weak. The executive dominates through the executive presidency and parliament's subservience to the executive continues barring the minor outcries of dissent from opposition political parties (Rotberg, 2014). The history and current practices have also shown that citizens' voices and agency in Zimbabwe are muted through legal and illegal provisions which limit their participation in parliamentary affairs (Masvaure, 2018). As will be shown in the subsequent sections of this chapter, critical gaps exist in the parliamentary institutional arrangements and governance and these gaps limit its power to scrutinise and hold the executive arm accountable and/or to make laws.

Institutional arrangements of the Parliament of Zimbabwe

The Parliament of Zimbabwe is derived from Section 119 of the Constitution and is made up of the National Assembly and Senate. The Constitution of Zimbabwe assigns the following roles to parliament:

- Parliament must protect the constitution and promote democratic governance in Zimbabwe;
- Parliament has the power to ensure that the provisions of the constitution are upheld and that the state and all institutions and agencies of government at every level act constitutionally and in the national interest; and
- For the purposes of subsection (2), all institutions and agencies of the state and government at every level are accountable to parliament.

It is from this constitutional provision that the parliament obtains its broad mandate to "make laws for peace, order and good governance" in Zimbabwe. Several functions have thus been drawn from this general obligation. The legislative, oversight and representative roles for peace, order and good governance in Zimbabwe include the making of laws for all areas of the executive's operations. From this broad mandate, the Parliament of Zimbabwe is mandated with making and enacting laws.

Zimbabwe electoral system

Electoral systems have been viewed as one of the most important political institutions for democracy and governance, and the value of elections and the legitimacy of their outcomes is attributable to the electoral system adopted by each country (Electoral Knowledge Network, 2015). Various electoral systems exist globally and there is no agreement as to which is best for democratic governance and political stability. Colomer (2004) argues that one of the core decisions of a new democracy is the design of its electoral system. The electoral systems which have been adopted by Zimbabwe are not products of public debate and internal political canvassing, consensus and extensive public participation for citizen evidence or knowledge (Molutsi, 1999). The electoral systems and practices prevailing in Zimbabwe are not based on consensus among political players and the population. The ruling party practices sole discretion in setting electoral systems and is also heavily involved in selecting the referees of the elections and electoral legislation. There have not been any deliberate decisions to select a model that best suits particular conditions

and contexts in Zimbabwe and the choice of electoral systems has been driven by political motives to maintain power – a feature that is not limited to countries with poor democratic practices but also in developed democracies. This is corroborated by Reynolds and Reilly (1997, p. 8) who state that "often the choice is essentially accidental, the result of an unusual combination of circumstances, of a passing trend, or of a quirk of history, with the impact of colonialism and the effect of influential neighbours often especially strong".

Politics of incumbency affect evidence use in both the pre- and post-election periods in Zimbabwe during which there have been no any evidentiary public engagement platforms for citizen evidence regarding the electoral processes and systems. The politics of incumbency have created an uneven political playing field in favour of the ruling party and this has been to the detriment of opposition political parties. For example, during the election period the ruling party has access to campaign resources such as the state-owned media, public resources such as government vehicles, and printing facilities. As such, the political parties and intra- and inter-party politics have led to political interests driving the distortion or selective inclusion of evidence.

Legal framework

In Zimbabwe, both the national constitution and specific electoral laws define the procedures, rules and regulations governing elections. The Constitution of Zimbabwe provides for the overall framework for the conduct of elections in Zimbabwe (Constitution of Zimbabwe). Since the adoption of the Constitution in 2013, civil society organisations such as Zimbabwe Lawyers for Human Rights, Election Resources Centre, and Zimbabwe Election Support Network have been calling for alignment of the Electoral Act to the Constitution. The response by the government to these calls has been on an ad hoc basis through Acts that include the Electoral Amendment Act, 2014; General Laws Amendment Act, 2016; Electoral Amendment Act, 2018; and the judicial laws. These calls for electoral reform are based on the argument that the current electoral system is not fair and favours the incumbent political party (Raftopoulos, 2013). As such, there have been challenges to the constitutionality of the Electoral Act of Zimbabwe on the basis and argument that it gives the government the power to control the Zimbabwe Electoral Commission (ZEC). The Electoral Act has also been criticised because it lacks punitive measures for political parties

that engage in violence and voter intimidation. The Electoral Act also does not ensure equitable access to the unbiased media by all political parties (Raftopoulos, 2013).

In Zimbabwe, the constitution mandates the Zimbabwe Electoral Commission (ZEC) to prepare for and conduct elections and referendums in Zimbabwe. The chairperson of ZEC and eight commissioners are appointed by the president in consultation with the Judicial Services Commission and Committee on Standing Rules and Orders. The appointments are for six years and can be renewed for a further six years, but appointees cannot serve more than 12 years as ZEC commissioners. ZEC is responsible for preparing, supervising and conducting local government, parliamentary and presidential elections and is also responsible for provincial and metropolitan council elections (Zimbabwe Elections Commission, 2014). It is the duty of the ZEC to ensure that elections are held in an efficient, free, fair and transparent manner. Voter registration, the compilation of the voter's roll, voter education, and accreditation of election observers are some of the responsibilities of ZEC. Organisations and individuals that are not accredited by ZEC cannot observe elections. ZEC sets or delimits and decides the constituencies and wards for elections; designs, prints, distributes ballot papers; and approves the form of ballot boxes and their procurement.

Zimbabwe's electoral system is a mixed-member proportional representation system comprising the Single Member Plurality (SMP) System – popularly known as the 'first-past-the-post' or 'winner-takes-all' system – and the Proportional Representation System (Constitution of Zimbabwe, 2013). The first-past-the-post system implies that voters cast their votes for their preferred candidate with the candidate receiving the most votes winning the election. This system is used for both the parliamentary and the presidential elections. In this system, the winner must obtain an absolute majority of votes, with the minimum being 50% plus one vote. If a candidate fails to secure an outright majority, a run-off election is conducted between the two candidates with the highest number of votes. The same system is also used for a portion of the MPs parliament.

As stated earlier, Zimbabwe's National Assembly membership (MPs) is made up of 210 constituency-based MPs who are elected through the first-past-the-post system and 60 female members are elected using the proportional representation system (seats are allocated according to the number of votes cast

for a party at the provincial level). In the National Assembly, only 60 members are elected using these systems and the 60 members are divided equally across the 10 provinces. The Senate members consist of 80 members, 6 elected from each of the 10 provinces by proportional representation, 18 chiefs appointed by the president and 2 members elected to represent people with disabilities. It is important to note that ZANU-PF plays a key role in the appointment of the 18 chiefs and history has shown that the appointed chiefs typically vote with ZANU-PF on issues.

On paper, while the legal provisions present a carefully considered process, citizen representation is, however, hampered by other factors including the constituency delimitation process which is firmly under the control of the ruling party. Since 1980 there has been an accusation of gerrymandering and voter suppression in areas which are traditionally known to support the opposition political parties (Mamdani, 2009). Constitutional Amendment Number 18 of September 2017 increased the number of constituencies in the country from 120 to 210 and empowered the Zimbabwe Electoral Commission (ZEC) to delimit constituencies and wards. The delimitation conducted by ZEC was not sufficiently consultative and participatory resulting in the ZEC being accused of favouring the ruling party (Human Rights Watch, 2017). Several problems have been identified with electoral delimitation exercises such as the lack of transparency; absence of involvement of interested stakeholders; lack of public participation; inadequate publicity; questionable independence of the delimitation commission; and inadequate time for the delimitation process (Sachikonye, 2003).

The Delimitation Commission was also criticised for manipulating electoral boundaries as allegations of gerrymandering of election boundaries were made and areas that lost constituencies were previously strongholds of the opposition, while the ruling party strongholds gained seats, all of which were contrary to census statistics and the theories of urban migration (Ndoro, 2005). In all the delimitation exercises conducted to date, knowledge of new constituencies and wards was not widespread prior to polling day. Allocation of polling stations was delayed, contravening Section 51 of the Elections Act requiring information about polling stations to be provided at least 21 days prior to the polling date (Zimbabwe Election Support Network, 2005).

The timing of the delimitation left inadequate time for voters to establish their wards and boundaries and subsequently to inspect the voter's roll. The inconsistencies were observed in the allocation of constituencies, which were largely rural provinces with Mashonaland East, Mashonaland West, Midlands and Masvingo receiving more new constituencies, with urban provinces such as Bulawayo not receiving a significant number of new constituencies. Evidence shows that while the First-Past-the-Post (FPTP) system ensures accountability to constituents, the system has failed to heal political wounds in Zimbabwe as the electoral environment has exacerbated the polarised relations between the two major political parties ZANU-PF and MDC during the pre-election and post-election periods as electoral fraud and litigation have characterised Zimbabwean elections (Sachikonye, 2003; LeBas, 2006; McCandless, 2011). Critics have pointed out that attempts to seek remedial actions on these issues from the electoral court have been hampered by the implied bias of the judges who preside over the electoral court (Krönke, 2018).

Structure of the Parliament of Zimbabwe

The Clerk of Parliament is the principal officer responsible for the day-to-day administration of parliament (Senate and the National Assembly). The administration of parliament consists of the following directorates responsible for different functions of parliament: Human Resources and Administration; Committees; Finance; External Relations; and Information Services. Each directorate is headed by a Principal Director who reports to the Clerk of Parliament. There are other departments within each directorate with specific roles and these are headed by Directors who report to the Principal Director of each directorate. The Information Services Directorate is responsible for providing research evidence required for all parliamentary processes. It consists of the Research, ICT and Library Departments.

There have been many development programmes aimed at strengthening the capacity of the research and allied departments to promote evidence-informed policymaking. These range from skills development to infrastructural development including strengthening institutional processes. However, the biggest and most persistent challenge is the lack of sufficient staff to ensure that all legislators have access to a librarian or researcher when they require their services, and the lack of financial resources for human capacity and required infrastructure. For example, there are currently 11 researchers

and 5 librarians to support 350 members of parliament. It is also important to note that both the Senate and the National Assembly are served by this administrative unit resulting in divided attention and over-stretching of the meagre human resources.

Committees of parliament

The Parliament of Zimbabwe uses a committee system that performs particular functions which parliament itself cannot perform in its sittings. These functions are mostly linked to the oversight role, especially the review and monitoring of operations and activities of government programmes and policies. Some of these activities are investigations, hearings, and seeking evidence to clarify certain policy issues. Committees shadow specific ministerial portfolios and generally the legislators appointed to sit on these committees are knowledgeable about that particular sector. Using this system of portfolio and thematic committees, parliament is able to monitor the government's implementation of policies and programmes and ensure the sound and efficient use and allocation of resources. The committee system is also used to interrogate certain government programmes and policy positions. The Zimbabwean parliament, like other parliaments globally, has a number of committees. An overview of the committees is provided in Table 9.1.

Table 9.1 Committees of the Parliament of Zimbabwe

Type of committees	Functions of the committee
House Keeping Committees	Responsible for the administration of parliament. They include the following committees: Committee on Standing Rules and Orders; Business of the House Committee; Liaison and Coordination Committee; Library Committee; Internal Arrangements Committee; and Investigative Committees
Portfolio Committees	These are committees designated according to government portfolios to examine the expenditure, administration and policy of government departments and other matters falling under their jurisdictions as determined by parliament resolution. Currently, the National Assembly has 19 portfolio committees.
Ad hoc Committees	These are a type of investigative committees. They are appointed to investigate and report on a specific issue, and cease to exist once they have reported to the House on the subject matter they have been appointed to examine.
Public Accounts Committee	This is mandated to examine the financial affairs and accounts of government departments and state-owned enterprises.

Table 9.1 Committees of the Parliament of Zimbabwe (continued)

Type of committees	Functions of the committee
Parliamentary Legal Committee	This committee is mandated to examine the constitutionality of every Bill, draft Bill, Statutory Instrument, draft Statutory Instrument, an amendment to a Bill, or amendment to a Statutory Instrument.

Source: Parliament of Zimbabwe

The Zimbabwe National Assembly has 19 portfolio committees corresponding to government ministries and these monitor the administration and implementation of programmes in these respective government sectors. The Senate also has six thematic committees modelled around broad thematic areas also linked to specific government sectors. For parliamentary policy and other issues, the Committee on Standing Rules and Orders (CSRO) is the policy-making body in parliament. It is mandated by the constitution to consider all such matters concerning parliament, as it deems fit. This mandate includes the appointment of members to committees, the appointment of committee chairpersons including determining the conditions of service of staff of the administration of parliament. The members of the CSRO includes the Speaker who chairs the committee, the president of the Senate who deputises the Speaker, the Minister of Finance and two other ministers, the Leader of Government Business, Leader of Opposition, all Party Chief Whips, the President of the Council of Chiefs and 10 members of parliament (8 elected by parliament and 2 appointed by leaders of the two Houses).

Parliament and representation

The Parliament of Zimbabwe can also be conceptualised as a representative body as it connects elected agents and their voters through the election of a few to sit in the national parliament as *representatives* of the people living in defined geographic areas. While this appears to be straightforward, it is far more complicated – both theoretically and practically. While representative democracy is often poetically described as government 'of the people, by the people, for the people', it is not only 'the people' who are represented: political parties; ideologies; states; business; unions; and the environmental movement – to name but a few – are also represented (Pitkin, 1967). Moreover, even the idea of 'the people' is fluid as a representative cannot possibly represent the full variety of 'the people' and all their different, and sometimes conflicting,

interests. This calls for deliberate and effective citizen engagement initiatives. Besides the elected legislators who engage and elicit information from their constituencies for consideration in parliamentary processes, the Parliament of Zimbabwe (PoZ) also has other mechanisms to ensure that evidence in the form of citizen knowledge and aspirations informs the legislative process in order to fulfil the representative function of parliament.

These mechanisms include public hearings which are "open committee meetings that are aimed at obtaining input from businesses, civil society organisations (CSOs), public officials and the general public about proposed or existing policies, Bills, regulations and other issues or changes that would significantly affect the public if introduced" (Parliament of Zimbabwe, 2020). In this way, public views and recommendations on public policy and programmes are obtained. Despite this public consultation, several factors affect effectiveness in influencing decision-making by the members of parliament. Political polarisation limits participation in these hearings hence some hearings are dominated by one voice (Zikhali, 2018). Although the public can contribute to these hearings, there is no evidence to show that their contribution is considered at the decision-making level (Chirisa & Bandauko, 2014). The political dynamics of the committees also play a role in what is included in committee reports and the issues discussed in the committees. Currently, the political parties with a majority in the committees always set the agenda and vote in their numbers to support their agenda.

As stated in the introduction, it must be noted that most of the structures of the PoZ do not adequately implement the democratic functions that PoZ is mandated to undertake (Makumbe, 2004; PASPT, 2013; SAPST, 2015). This is due mainly to the weak separation of powers between the three arms of the state – the judiciary, the legislature and the executive. A too-powerful executive and the prevailing institutional arrangements in Zimbabwe result in parliament being subservient to the executive (Muzondidya, 2013). A typical example is that it is arduous to change or reject Bills that have been formulated and presented to PoZ by the executive. This is in contrast to Bills sponsored by the opposition which are hardly considered in parliamentary business. This "executive dominance in this manner reduced African legislatures to little more than constitutional conveyer belts for presidential policies and legislative proposals" (Opalo, 2019, p. 2). Opposition political parties are also viewed as an "enemy of the state" and, as such, the polarisation of governance and

development issues is extreme with a typical example being the rejection or ignoring of the recommendations of opposition lead portfolio committees (Sachikonye, 2011).

Use of evidence in the Parliament of Zimbabwe

While the demand for evidence in the parliament predominantly comes from the committees, in some instances motions can be raised in parliament sittings for further evidence to inform debates and certain policy positions. Each portfolio committee has a sitting clerk and researcher. The clerk captures proceedings and the researcher reviews evidence on specific issues under scrutiny by the committee. Oral evidence from key informants is the most common type of evidence that committees rely on. As mentioned earlier, little use is made of evaluations and other scientific types of evidence, for various reasons. First, there is a dearth of impact evaluations in Zimbabwe due to capacity issues and when evaluations are commissioned by the non-state sector they are treated with suspicion in state circles.

Second, limited coordination and linkages with many organisations, mostly Civil Society Organisation (CSOs), makes the availability and use of these evaluations difficult. In some instances, these committees can call for a commission of inquiry or actual research into certain issues. In most cases, results of these inquiries are not made public nor are they available to committees because they implicate the executive or members of the ruling party. An example is the Chihambakwe Commission of Inquiry Report, also known as the Gukurahundi Report, which included findings of a truth commission investigating the Matabeleland atrocities from 1983 to 1984 which left thousands of people dead. The report from the inquiry was never made public by the government and the findings of the commission's official report, therefore, remain unknown. Recently, the executive played hide-and-seek with parliament regarding the release of a damning Auditor-General's report.

Third, there is a challenge of human capacity (not enough researchers) to meet the evidence needs of the members of parliament. Committees which demand and use research evidence are predominantly in the health sector and this is largely because the sector is politically less volatile and has historically used evidence-based decision-making, unlike other sectors. In 2019, for example, during a hearing on the National Health Insurance proposal by the Ministry of

Health, the Portfolio Committee on Health requested a policy brief and a rapid review was conducted in collaboration with the Zimbabwe Evidence Informed Policy Network (ZeipNET). There are also other instances where the committee has demanded and used evidence efficiently. Examples of demand for and use of evidence are during the drafting of legislation pertaining to the Public Health Act, the Medical Services Amendment Bill, Health Services Act among a host of other Bills and Acts. The Covid-19 pandemic has also seen both the Ministry of Health and the portfolio committee requesting research evidence to inform the government's response to the pandemic.

The Portfolio Committees on Budget Finance and Economic Planning and Industry and Commerce are also examples of committees that often demand and use evidence. This is mainly because the Ministry of Finance and Economic Planning has a think-tank established through an act of parliament – Zimbabwe Economic Policy and Analysis Research Unit (ZEPARU). Following resolutions from the two portfolio committees, the Ministry of Finance and Economic Planning regularly commissions ZEPARU to undertake research to inform various laws and policies, for example, the National Industrial and Trade Policies; Special Economic Zones Act; Implementation of Devolution; and Community Share Ownership Trusts. ZEPARU also convenes policy dialogues to obtain other types of evidence to complement their research, for example, citizen knowledge and expert or practice-informed knowledge. Besides these two portfolio committees, other committees rely on oral evidence and use research and other types of evidence but their use is limited.

The demand for evidence also regularly comes from individual legislators and senior parliamentary staff like the Clerk and Principal Directors. For instance, several legislators who are members of international or regional organisations including the Pan-African Parliament, the African Union, the Inter-Parliamentary Union and many other organisations, in order to meaningfully participate on these platforms request information and research evidence when they are required to present a paper or lead panel discussions. The library and research departments also deal with these individual requests for evidence.

Audits and reports are amongst the types of evidence which are made available to MPs and their respective committees but these are not usually available on time and, in most cases, are only available after the event. Certain 'powerful ministers' sometimes deliberately fail or even refuse to appear before parliamentary committees to answer issues raised in the audit reports and parliament rarely acts on these infringements.

Citizens seldom make direct contributions to committee deliberations unless they are called to give oral evidence. Committees make use of public hearings on certain Bills. However, these are typically ineffective as they tend to be polarised along political lines and, in most cases, adopt the prevailing party positions as they are politically coached before the hearings. In some instances, they are even abandoned after party supporters clash and turn violent. Civic society organisations contribute to evidence by means of various initiatives, for example, capacity-development programmes like strengthening institutional structures and processes; training; supporting citizen engagement; and generating research evidence. However, institutional, structural and other political obstacles stand in the way of ensuring that the available research finds its way to and is used by Members of Parliament.

Capacity for evidence use in the Parliament of Zimbabwe

The evidence infrastructure of the PoZ has 6 core departments: Parliamentary Budget Office; Research; ICT; Committees; Library; and the Clerk's Office. The backbone of the evidence infrastructure is the research department which has 11 researchers supporting over 19 portfolio committees and 350 MPs and senators. The department conducts both primary and secondary research to respond to MPs' and committees' evidence needs (ZeipNET & INASP, 2015). The research department obtains secondary information from internal parliamentary records and from external sources such as research institutions, think-tanks, and civil society organisation (CSOs) and is also mandated to conduct field studies (INASP, 2016). The low ratio of research staff in the research department versus portfolio committees and MPs has significant implications on evidence use and coverage as the research staff cannot fulfil all the requests for evidence from the Houses.

It is evident that there are significant skills shortages among MPs in evidence use for legislative, representation and oversight functions (UNDP, 2012; SAPST, 2013). The lack of capacity in legislative research has huge implications on the quality of the portfolio committee's reports, Bills and debates. This is further worsened by the high turnover of MPs, so it is likely that MP capacity strengthening will be an ongoing need in each successive parliament. The capacity assessment conducted by UNDP (2015) also revealed the lack of resolute ownership of the reforms and the necessary political will and commitment as some of the major impediments to capacity development in the PoZ.

Civil society organisations have played a critical role in evidentiary capacity strengthening at PoZ, but the overarching challenges in the PoZ evidence infrastructure relate to the requisite skills and knowledge to access, evaluate, synthesise and communicate evidence; the political will and commitment to do so; and inadequate information communication technology infrastructure. The weaknesses of CSO-led capacity-strengthening activities include the lack of sustainability and the political willingness to implement institutional processes and systems that promote and facilitate the use of evidence in the legislative processes.

On paper, well-structured channels of public engagement exist between the PoZ, the general public and CSOs to elicit evidence from citizens. However, some of these channels are either unknown or not utilised by the public. For example, public hearings are mostly attended by CSOs and public attendance is poor.

However, it must be acknowledged that there is growing investment in the PoZ's institutional capacity. This has been seen in the establishment of the budget office which has a key role in facilitating the right to social accountability and obliging state apparatus to account for their public resource management actions and decisions. However, the PoZ budget office has been criticised for its failure to facilitate access to information to the public – a fundamental human right which allows people to scrutinise the actions of the government and ultimately assists in forming the basis for informed debate at PoZ. Strategies and processes need to be implemented to facilitate openness and accessibility by the public to information about government activities, especially in the use of public resources.

Overall, there is need to strengthen the capacity of the structures of PoZ to enable scrutiny of existing legislation, proposed legislation, budgets and policy documents. It is also important to institutionalise parliamentary processes and practices through regular review of parliament's strategic direction through the use of evidence. It is necessary for the PoZ to recognise that the use of evidence not only allows for informed input into legislation or policy but is a significant policymaking factor which needs to be problematised and understood.

Networks and other innovations

The PoZ has established formal and informal networks both locally and regionally. The networks play a critical role in capacity building, demand and supply of evidence within the PoZ evidence ecosystem and in the funding of programmes and activities. Some of the stakeholders within the PoZ networks are:

- **Zimbabwe Evidence Informed Policy Network** (ZeipNET) focuses on building capacity in the use of evidence in policy and legislative processes in Zimbabwe. In a bid to ensure transformative capacity strengthening, ZeipNET operates at the individual level (change in attitudes, skills, knowledge and behaviour); institutional level (process and systems); systemic levels (the broader research and policy environment); and at inter-personal level (the nature and strength of relationships, shared vision and understanding) (INASP, 2017).
- **United Nations Development Programme (UNDP)** is a key funding agency for most PoZ activities and projects. UNDP Zimbabwe is the custodian of the multi-donor support programme for the PoZ. The multi-donor support programme seeks to develop a parliament that is enabled to perform its core legislative, representative, and oversight functions and to and promote public participation, accountability and gender equality according to the precepts of the Constitution of Zimbabwe as well as other relevant national, regional and international parliamentary development frameworks.
- **Southern African Parliamentary Trust's (SAPST)** work involves the training of committees and the secretariat of parliament in legislative, policy and budget analysis and reporting. Within the evidence ecosystem, SAPST supports the conduct of public hearings by parliament committees, as well as offering technical support in the review of parliamentary rules and procedures.

It is critical to note that academic institutions such as universities and colleges play a critical role in the supply of evidence to parliamentary portfolio committees and technical working groups. Academia is often invited to submit inputs to committees. Similar to other regional parliaments, PoZ adheres to a strict Public Participation Model (PPM). Public participation is conducted through consultative processes that involve requesting public comments or submissions on amendments or proposed Bills. Some of the consultative processes are conducted by civil society organisations such as the Zimbabwe Women's Resource Centre and Network, the Election Resource Centre, and Zimbabwe Lawyers for Human Rights, among many others. However, there is a paucity of evidence on whether citizens' submissions have been used for legislative processes.

Within the national evidence ecosystem and the demand–supply frameworks in Zimbabwe, there are several commissions such as the Zimbabwe Human Rights Commission, Zimbabwe Media Commission, Gender Commission, and the Auditor-General (AG). These commissions present reports and oral evidence to specific parliamentary portfolio committees and parliament. The A-G's previous reports have highlighted anomalies in which government departments/ministries entered into contracts and paid for the supply of goods and services that were not delivered. These reports have been tabled before the relevant portfolio committees, for example, the 2019 Audit Report for State Enterprises and Parastatals revealed that the Zimbabwe Electricity Transmission and Distribution Company entered into a 2-year contract with Pito Investments in April 2010 for the supply of USD4 962 722 worth of transformers. The same report also revealed that in 2016, Zimbabwe Power Company (ZPC), another subsidiary of ZESA Holdings, paid in advance the same Pito Investments USD 561 935 for transformers which have also not been delivered.

Similarly, in 2016 the Grain Marketing Board (GMB) also made an advance payment of USD1 014 163 for 2 476 t of maize to an undisclosed supplier but documentation of receipt of this grain could not be established (Transparency International Zimbabwe, 2019). Despite the A-G highlighting these corrupt activities, parliament lacks the power to sanction the culprits, especially in cases being heard in court. The focus of parliament has been on the bureaucratic officials rather than on to the politically accountable individuals such as Cabinet executive members.

Conclusion

This case study has shown that the Zimbabwean parliament is not divorced from the country's political economy. The manner in which evidence is used depends on several factors which include the separation of powers between the executive, the judiciary and parliament. Where separation of powers is weak, parliament becomes subservient to the executive arm of government and ineffective in performing its duty of holding the executive to account. Human and financial capacity also plays a role in meeting the information needs of members of parliament. It is evident than in the Zimbabwean parliament there is limited use of evidence which is key to informing policy scrutiny (such as evaluations) as the executive arm of government does not commission enough evaluations. It is also important to note that the political polarisation in Zimbabwe is also

mirrored in parliamentary debates and committee deliberations where issues are seen to be split across party lines. Further discussion and additional analysis are required to understand how the separation of powers between the arms of the state can be facilitated within the confines of the constitution. Additionally, there is a need to promote the requisite culture and institutional arrangements in the parliament of Zimbabwe to enable the strengthening of its ability to perform its role.

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10

A SYNTHESIS OF PARLIAMENTARY INSTITUTIONS AND EVIDENCE USE



Caitlin Blaser Mapitsa and Tefo Mosienyane

Introduction

The previous chapters have provided comprehensive and valuable information on the functioning of parliamentary institutions in many African parliaments and have discussed the implications these parliamentary structures have for the use of evidence in decision-making. What has become evident in the previous chapters is that while parliamentary institutions have significant agency in shaping the democratic nature of their national context, they also reflect the political context within which they work. Their strengths and weaknesses demonstrate the entrenchment of democracy and the growth of a wider range of democratic institutions in their country or region. Furthermore, while the specifics of institutions and context vary considerably, there is also a nearly universal agreement in the countries profiled that "Legislatures are information intensive institutions. The quality of their deliberations, decision-/policy-making, oversight and advisory functions depend on the information they receive" (Simui, 2010).

When the Inter-Parliamentary Union discussed processes to strengthen research services within parliaments, they pointed out that "many parliaments aspire to establish or expand such a function within their institutions but struggle to identify the path forward, often due to lack of resources, challenges in establishing democratic institutions, or both" (IPU, p. 6). Parliamentary capacity cannot be separated from the entrenchment of democratic institutions and should be seen through this lens.

The previous chapters demonstrated the variety of different institutional models that African parliaments have developed and their promises and limitations for facilitating evidence use. This diversity makes it evident that there is no single correct approach, but rather that while parliamentary institutions play a role in supporting the effective use of evidence, they also reflect the political dynamics at play in national governments. This concluding chapter reflects on the key themes that emerged from the case studies presented in this volume. It critically analyses the implications of the various parliamentary institutional arrangements on evidence use and provides recommendations for future practice. The volume concludes with suggestions for areas requiring further research on how best to position parliaments as transformative institutions of good governance in the African continent and elsewhere.

Balancing the political-administrative interface

Each parliament profiled has grappled in various ways with what it meant to play a bureaucratic support role in an organisation intended primarily to serve politicians. Many parliaments have divided their research staff in such a way that a portion of the staff members support political party or individual MP research, while other researchers remain politically neutral.

Many parliamentary researchers struggle with what it means to be an independent researcher when research results serve political aims. A number of strategies and tools are employed to ensure that political neutrality is present both in the research process and in the systems that support it, such as the model employed by Uganda and South Africa where certain researchers are hired by political parties themselves, and others are politically non-aligned. While systems of human resourcing cannot guarantee an individual's neutrality on any specific issue, it can create clarity around the accountability lines of specific research activities.

Mechanisms to facilitate this include partnerships with evidence-generating institutions and knowledge brokers that are politically non-aligned, including civil society organisations and universities. In this volume, Atengble notes that the Parliament of Ghana calls for expert input from civil society organisations (CSOs) during the legislative process. A notable successful partnership with politically non-aligned actors is the partnership between the Kenyan parliament and the Kenyan health sector and medical research community following the introduction of the 2015 Health Bill. Also in this volume, Sande, Ringera and Warira detail how in Kenya this functionally depoliticised evidence generation by facilitating the sourcing of technical expertise from a wide range of medical and health experts and ultimately increased the use of evidence and quality of debate. Committees also benefitted from the expertise of the legal counsel in debates relating to the Bill.

It is concerning that other strategies included limiting analysis, only presenting data received, and drawing exclusively on reporting sources received from the executive. While this minimises the risk of an individual researcher being accused of bias, it also increases the risk that any existing bias will either remain or be introduced from the producer of the evidence. This has created an asymmetrical relationship between the executive and the legislatures in both the South African and Ghanaian contexts. The Ghanaian government established

an M&E ministry to strengthen accountability and enhance performance within the executive. The Parliament of Ghana's reliance on evidence from the executive and the limits of parliamentary incentives to engage with different evidence are among the limitations parliaments face in holding the executive to account. Similarly, earlier in this volume, Van Rensburg et al. illustrate how the Parliament of South Africa's reliance on inconsistent and 'curated' evidence from the executive presents challenges to meaningfully provide oversight of senior politicians and government.

Many researchers have reported a range of strategies, including deliberately collaborating with politically aligned researchers in parliament to ensure certain issues reflect a wide range of political views. In order to solicit evidence from a spectrum of political viewpoints, parliamentary committees have also sought the input of external actors with diverse interests, beliefs and ideologies. In the Kenyan parliament, all these external actors within the parliamentary evidence ecosystem, from NGOs to donors, academia and think- tanks, provide evidence support to the legislature, acknowledging the difficulties faced by institutions in self-procuring evidence. Whereas in the South African Parliament parliamentary committees' hosting of colloquiums with multiple stakeholders from a range of political positions has been internally touted as an innovation, Van Rensburg et al. state that "different presenters are invited to present on their own generated evidence. This enabled the committee to formulate its own perspective in making evidence informed recommendations to address the gaps identified during the colloquium".

Others report trying to detach themselves from politically aligned researchers to try to maintain impressions of neutrality. The variety of strategies discussed demonstrates how widespread the issue is within parliamentary support structures. Further research is needed on the organisational culture of parliaments and specifically on support staff retention and turnover. This is a particularly important question in a parliamentary context where frequent turnover of elected representatives is inherent in the context, with support staff having to be the institutional memory of the organisation and being required to play a range of knowledge management roles. This feeds into the discussion below which expands on the unique rhythm of parliament and its implication for evidence systems.

Regional parliaments are interesting in terms of political and bureaucratic interplay as they have different institutional contexts relating to individual MP incentives. In EALA, for example, while MPs are not directly elected, they are, nonetheless, part of national level political landscapes and have interests in regional structures and policy choices – for example, trade or integration. As a result, regional political dynamics can be shaped by country-level party dynamics (Nahayo & Mathuki). Additionally, as regional parliaments are often more recent institutions and were set up when the importance of evidence in the policy process had already been established, these institutions are often further along in institutionalising the formal components of evidence systems than national parliaments may be. Such implementation comprises a wide variety of key institutional components from an enabling policy framework to robust civil society engagement.

Temporality and evidence systems

Parliamentary systems are driven by their own unique clock, and this shapes the ways in which support staff can serve MPs. This clock is driven by the electoral cycle, the budget and appropriations cycle and the sittings of parliament. Many of the parliamentary case studies include key information about elections and other temporal drivers of parliamentary practice.

These rhythms are central to the shaping of systems of evidence as MPs have different needs for evidence depending on where they are in the electoral cycle. When MPs are campaigning, they are looking for evidence to demonstrate their effectiveness in their roles, whether it is about the successes of the ruling party, or, if in the opposition, the shortcomings of government. Similarly, there may be a need for information around unique sectoral, geographic, or constituency interests that are important to particular groups of voters. In addition, many MPs need information about voter behavior and decision-making. This information is often available at a very granular level even about constituencies for which localised data is otherwise largely unavailable or difficult to obtain. This data is also the type that demonstrates varied kinds of evidence use within parliaments, not all of which is in the interest of the public good (Salihu, 2016; Borzyskowski & Kuhn, 2020).

When MPs are no longer on the campaign trail, their need and motivation for evidence changes and varies depending on the rhythm of parliament. The need for evidence is not necessarily reduced, but the incentive to use it

changes. When new MPs are elected, a large amount of evidence is required to induct a parliament. Many of the parliaments studied during the compilation of this volume carry out reviews at the closure of one parliament and use this internal M&E process on parliamentary performance to inform processes for the successive parliament. Both South Africa and Zambia have institutionalised this evaluative practice.

MPs need to receive and process information about how parliament works and there is a considerable need for information about institutional arrangements. Portfolio committees are often reconstituted, for example. This is also a time where informal systems of evidence are active, with caucuses or other informal bodies changing their constituencies and MPs determining how the power balance has shifted around certain key issues. In this period, process evidence around the internal workings of parliament is critical.

In the various countries contributing to this volume, the demand for evidence from MPs and the prevalence of evidence use is hampered by a culture of patronage that starts with electoral financing and campaign processes and continues through the period of the MPs' tenure in office. Consequently, MPs take office with an urgent need to recover the investments made during their campaigns by securing their political positions or social gains in the future, even if doing so could be at odds with fulfilling the mandate given to them by their constituents. With a culture of patronage institutionalised and reinforced through both political party dynamics and the financing models of campaigning, quality evidence in decision-making might necessarily have to take second place to pragmatic imperatives of navigating and maintaining political power.

One area where the case studies in this book made an important contribution is the identification of points of confluence between the varied 'pulls' on individual parliamentarians through the parliamentary compass and evidence use which was examined by Khumalo, Crawley, Manyala and Odhowa in Volume 1. This has led many evidence champions in parliaments to develop micro-level theories of change around how evidence can be strengthened. For example, one former MP stated that parliamentarians who bring evidence into debates on the floor are more likely to be given media airtime after the debate. Media space strengthens campaign positioning, leading to a win-win situation. Many other such cases have been identified, suggesting that meaningful work around strengthening parliamentary systems of evidence will play into, rather than work against, existing incentives.

A common feature across the regional political landscape is the dominance of the executive and, concomitantly, the dominance of political parties as conduits to access public sector power and resources (Rotberg & Salahub, 2013). As a result, individual MPs (irrespective of their political affiliation) are strongly incentivised to submit to party discipline rather than pursue available evidence on any subject of interest to inform their independent arguments. This is because challenging the party line within a system where they may be politically relatively junior can jeopardise their right for their party-backed seat. This is exacerbated by the prevalence of patronage systems within the executive further compelling MPs to support party interests (Notshulwana & Lebakeng, 2019). Consequently, MPs rely on the whippery to inform their positions on important issues. This suggests that working with political party researchers in the drafting of manifestos and establishment of party positions can be an important ingredient in supporting change in the parliamentary space. It also suggests that finding synergy by working with the executive and parliament simultaneously could accelerate systemic governance reforms. While this was explored by CLEAR-AA and other capacity-building organisations which have collaborated on this volume (Blaser Mapitsa et al.), its effectiveness had to be carefully balanced with maintaining autonomy between the different branches of government.

After a new parliament has been inducted and in session for some time, new evidence needs arise. Technical evidence around key departmental performance issues is needed for committee work (Oronje & Zulu, 2018). This evidence may not be readily available or may not be of the same geographical scope, technical boundary, or other level at which decisions need to be made. Citizen evidence and evidence from government departments are needed as part of the mandated participation and oversight processes.

It is at this point that research staff play a critical role in evidence synthesis. One of the challenges is to coordinate the slow pace of research (with university timelines often taking years) against the immediate needs of policymakers. Parliaments have dealt with this in a variety of ways, one of which is the 'rapid response' office based at Makerere University which is used by the Parliament of Uganda. This office deals with quick turnaround surveys of existing research (Tuyisenge, 2018; Acuch & Mugabi in this volume).

Another key feature of the parliamentary business cycle is the budgeting and appropriations timeline. While the level of parliamentary involvement and the specific role parliament plays vary considerably, they are always a feature in parliamentary engagement with the executive and involve specific kinds of evidence around public finance, the relevant national performance budgeting approach, and rigorous economic analyses of value for money (Stapenhurst et al., 2008). This exercise requires a high level of technical and contextual knowledge and, in acknowledgement of this unique skills set, Parliamentary Budget Offices have become increasingly important role players in the parliamentary systems of evidence (Sande, Ringera & Warira in this volume).

While each country and regional parliament has its own specificity around the timing of elections, the induction of parliaments, and other key features of the government heartbeat, the importance of the parliamentary rhythm is universal. It is reflected in the type of evidence that is demanded by MPs, the way it is used, and the processes through which it is generated or procured and analysed. While there is no best model to respond to the multiplicity of needs at different times, the variations in practice across the different case studies demonstrate certain strengths in each area.

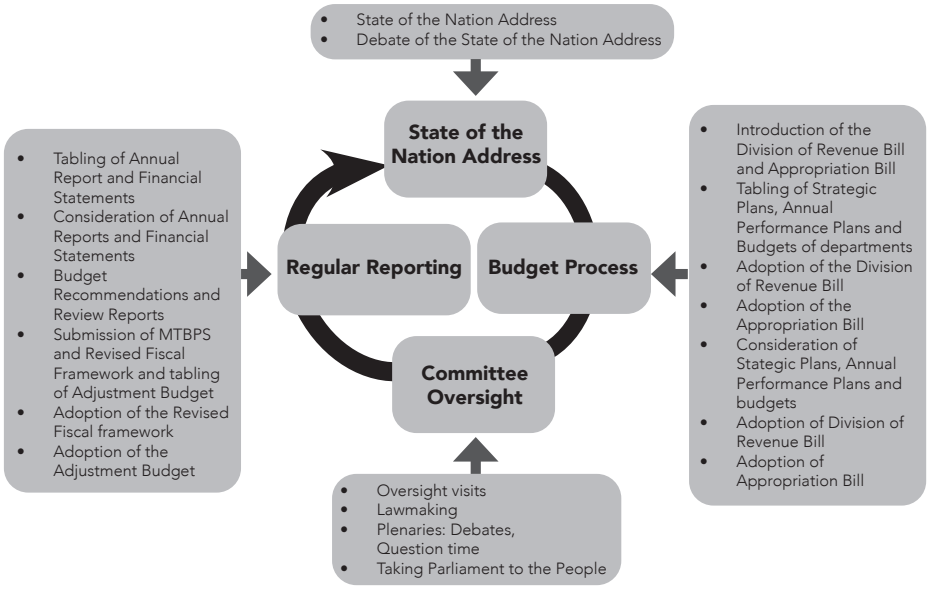

Figure 10.1 Parliamentary business cycle, Parliament of South Africa

Figure 10.1 above illustrates the business cycle of the South African parliament. While this cycle is likely to vary somewhat based on national context, such as the structure of the budget process, the overall components will share core similarities.

Evidence generation, brokering and use

The evidence that meets parliamentary needs must align with and understand these systems. Many theorists around evidence systems distinguish between the supply of evidence, knowledge brokering, and the demand and use of evidence, often assuming that organisations fit primarily into one of these roles (Goldman & Pabari, 2020). Parliaments, however, are somewhat unique in their ability to play all three roles simultaneously.

At an initial appraisal, it seems as though parliament's primary role is around using the evidence that is produced through the internal reporting processes of government departments within the executive. These departmental reports vary tremendously in quality and reliability, and departments have their own incentives to promote certain narratives in their reporting. While the accessing, understanding and interrogating of evidence produced by departments is an important role of parliamentary staff, it is by no means the end of their involvement with evidence.

Parliamentary researchers fundamentally play an evidence synthesis role. While their primary job may not be to collect empirical data, they are uniquely placed to understand a field of research in a particular area, follow trends, and identify research gaps. This means that while parliamentary researchers only occasionally assist in primary data collection, they can have strategic insight into the research needs of various fields. While many partnerships between parliaments and universities have a relatively uni-directional flow of evidence, there is much more potential for multi-directional exchanges to benefit both parties.

Finally, parliamentary support staff often play knowledge brokering roles. MPs demand specific kinds of evidence, and they need this evidence for forms of use that may not ordinarily feature on the agenda of knowledge producers and at very short notice. As a result, there is a larger-than-usual gap between the supply of and demand for evidence that researchers must mediate both to meet the demands of MPs but also to build networks with and among evidence producers.

Evidence that is internally generated has both advantages and disadvantages. It can sometimes be seen as less legitimate and less neutral than evidence that is generated by an external source (Blaser Mapitsa & Chirau, 2019). At the same time, it could be better suited to a specific organisational context. Given the politicised nature of the parliamentary context, safeguarding the neutrality of evidence is critical. Given that parliaments have a number of context-specific processes, activities, and purposes for evidence, a clear understanding of the organisational context is equally valuable. As researchers try to situate themselves within systems of evidence production, brokering and use, they often need to consider these trade-offs as they identify strategies that will maximise use of evidence (Rugambwa, 2010).

Formal and informal institutions for organising parliamentarians

Parliamentarians make use of a range of channels to influence policies and processes and they use evidence in different ways depending on the circumstances. While certain forms of evidence may be appropriate at a campaign rally, the tone of evidence required on the floor of parliament or in a portfolio committee meeting is likely to be different. In formal debates, there is a need to toe the line of political parties and to present or critique evidence in line with party views. In portfolio committee meetings, there is likely to be much stronger technical interrogation of evidence and greater cooperation among MPs across party lines to solve specific sectoral problems.

Some parliaments rely heavily on formal institutions of engagement and, if evidence is going to be used for change, it is most effective if it is presented in formal debates on the floor of the legislature or within parliamentary committees. Other parliaments rely on informal caucuses and networks to rally the support of MPs on certain issues without becoming formalised as institutions for decision-making. Regional parliaments, in particular, balance both imperatives. While they often have a formal mandate to provide legislative guidance to the commission of the regional body they oversee, they also have an additional critical mandate around creating legislative coherence and coordination among member states. Since both roles must often be played without significantly constraining the power of either body, they must make use of a range of other kinds of persuasive authority to add legitimacy or to liaise with the international community (Navarro, 2010).

Evidence plays a different role in formal and informal systems, without necessarily a hierarchy of use between the systems. While informal systems can emphasise persuasion and analysis in the use of evidence, formal systems often place more stock in procedural issues around how the evidence was produced, sourced and presented. When components of parliamentary evidence systems are sufficiently capacitated with well-stocked, -staffed, and -managed parliamentary libraries, they are valuable sources of information (Pelizzo, 2014). In this case, they can complement robust debate in informal spheres. In contexts where the formalised institutional elements do not receive sufficient investment, informal spaces of dialogue remain valuable, but are also more vulnerable to pressures from political parties or other lobby groups. At the same time, informal systems are often more open to a wide range of evidence, including citizen evidence or testimonies from individuals and, as a result, can often provide more diverse points of triangulation. This is particularly true when formal systems privilege reports from the executive.

Individual and institutional incentives around evidence use

Parliamentary support staff and MPs both use evidence as one of the most fundamental components supporting their positions. However, the approaches they take to research, synthesis, and analysis might be significantly different to the way people in other organisations and institutions use evidence in decision-making.

Parliamentary researchers rarely undertake original data collection or analysis but are usually responsible for synthesising large amounts of administrative data in addition to triangulating against research conducted in other situations or contexts. While these different research skills are occasionally acknowledged, they are not always supported by the available information and processes.

The case studies of the Parliaments of Ghana, South Africa and Kenya have all detailed the problems associated with being overly reliant on reporting generated by the executive for purposes of accountability. Many parliamentary capacity builders have emphasised the need for parliamentary researcher training to focus specifically on the unique competencies required in this non-traditional research role. Rather than gathering and analysing primary data

from an initial design, it is largely a responsive role that focuses on synthesising and triangulating existing information while maintaining a critical eye around the political agenda in the production and use of the evidence submitted.

While parliamentary researchers adapt exceptionally well to this complex role, many report ongoing challenges (Njue & Mbataru, 2019). Most parliaments in the region reflect an overall shortage in the numbers of parliamentary support staff needed to meet the critical demands of MPs. Earlier in this volume, Sande, Ringera and Warira report that researchers in the Parliamentary Research Services (PRS) in the Parliament of Kenya, are spread 'too thin'. This is a common concern of parliamentary research staff and support services who play a critical responsive role in institutions that are nearly universally under-resourced (Rotberg & Salahub, 2013; Blaser Mapitsa & Ali, 2020).

Although researchers in PRS hail from a wide variety of academic and professional backgrounds to meet the multidisciplinary requests from parliamentarians, the specific and unique nature of the demands from MPs means that researchers are rarely in a position to produce evidence that reflects their expertise (IPU, 2015, p. 27). At the same time, committees find that the kind of work coming from researchers does not always respond to the decision-making needs of MPs who often prioritise timeliness and applicability to a specific problem over methodological rigour.

In contrast, the research department in the Parliament of Zimbabwe carries out both primary and secondary research in response to the evidence needs of MPs and committees, despite the relatively small staff capacity (ZeipNET & INASP, 2015). In addition to conducting fieldwork, the research department also synthesises secondary information from internal parliamentary records and from external sources such as MDAs, research institutions, think-tanks, CSOs, etc. (INASP, 2016). However, the research department's staff to MP ratio impacts research turnaround and quality. Ultimately, this has detrimental implications on "the scope for evidence coverage across all sectors as well as for longer term, proactive and robust credible research" (Ndongwe & Munatsi in this volume).

One of the strongest incentives parliamentary researchers have for the provision of impartial evidence in their reports is that balanced evidence can discourage accusations of partisanship or political bias in their work. This is crucial in most environments and especially when researchers work with MPs from a range of political affiliations and where the evidence they generate is likely to be used by a range of different politicians for a variety of political goals.

Conclusion

The political context of African countries is diverse and parliaments respond in many different ways to localised dynamics of governance. The parliamentary structures and systems that are in place not only reflect the unique niche these parliaments have created in the national governance landscape and their historically embedded constitution mandate, but also the specific context of political pressures in each country (Rugumamu, 2010).

This information provided in this volume on the various parliaments' experiences of building systems of evidence corroborates what is already known about capacity building in a parliamentary context (Blaser Mapitsa et al in this volume). Non-partisan, high-level political support for evidence is critical and parliaments that have achieved this have made far more progress in building systems than those that have failed to do so (Stapenhurst, 2008; Madue, 2017; EALA; Ghanaian and South African case studies). To be effective, parliamentary capacity-strengthening initiatives must strike a balance between including researchers and MPs, building skills and networks, and linking with other ongoing support activities. However, in addition to the traditional methods for effective capacity building, the parliaments studied in the course of the compilation of this volume have also demonstrated the value of innovative approaches to strengthening evidence use.

The African Parliamentarians Network on Development Evaluation, (APNODE), has brought together parliamentarians who champion evidence use in parliaments. Even though the network is still relatively young, national parliaments have already demonstrated a variety of ways of institutionalising the network, with examples ranging from where it plays a formal role in parliamentary structures to situations where it is an informal caucus (Sande, Ringera & Warira in this volume). It has provided a platform for MPs to strategise, identify areas of mutual interest, and learn from each other how evidence use can strengthen their roles as MPs, as well as how they can use their roles as politicians to strengthen evidence in the bureaucracy (Rugumamu, 2010). Research demonstrates that "given the right conditions, small coalitions of progressive legislators can achieve critical mass and become influential advocates for institutional reform and democratic change" indicating the critical role APNODE and other networks can play in strengthening governance (Nijzink, Mazaffar & Azevedo, 2006).

What these case studies have emphasised is that the strength of evidence use in parliaments is not simply a function of any one specific institutional feature, but rather comprises a range of characteristics that interact with the political context in the country. For example, all countries make some use of the Hansard, but in some situations it may be a document that stays on a shelf while in others there are robust processes through which civil society analyses and engages with Hansard proceedings. Parliamentary institutions simultaneously shape the governance context in their countries and respond to them. A better understanding of these dynamics is critical if parliaments are to continue to play a central role in governance reform.

The different case studies in the volume provide significant contributions to parliamentary and other governance stakeholders who seek to understand the institutional arrangements of evidence in parliaments and the associated constraints to and enablers of evidence use. The volume has harnessed the importance of understanding MPs' individual incentives to use evidence within a web of complexities and power contestations – a central theme mentioned across the two volumes. Moreover, the influence of macro factors, such as the political economy of different countries and other political structures (such as executive dominance) that may hinder or enable an evidence culture has been highlighted throughout the volume. There is a need for further empirical research examining the systems of evidence in African parliaments and expanding on the key themes that this volume has underpinned. The role of gender and representation in parliaments and the implications for evidence use is an important aspect that is still under-explored. Further, more parliaments are investing in internal M&E departments as well as PBOs as internal evidence structures to facilitate systematic use of evidence in performing parliamentary mandates. These developments call for the need for increased information exchange and cross-learning opportunities across parliaments on the best practices for systematising evidence processes in parliaments by investing in internal evidence structures.

It remains paramount for parliaments to support networks and enhance multi-stakeholder engagements to strengthen evidence use in policymaking. As has been highlighted in the various case studies, the value of nurturing evidence champions and ensuring buy-in amongst parliamentary political and administrative leadership structures is immeasurable. This is critical to support parliaments' transformative agendas as institutions of good governance that

need to prioritise investments in strengthening evidence systems. Importantly, in order to ensure more meaningful processes of inclusion in policy decision-making processes, the issues of inclusion and equity warrant greater attention beyond merely increasing the numbers of women MPs in parliaments. This and the ability of parliaments to be responsive to change, facilitates parliamentary evidence systems that can deliver equitable development outcomes to all citizens.

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