

Tools for parliamentary oversight

**A comparative study
of 88 national parliaments**

Written and edited by
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Foreword

There can be no democratic system of government without transparency and accountability. The primary responsibility in this field falls squarely on the shoulders of parliament. Through its core oversight function, parliament holds the government to account on behalf of the people, ensuring that government policy and action are both efficient and commensurate with the needs of the public. Parliamentary oversight is also crucial in checking excesses on the part of the government.

Nowadays, parliamentary oversight extends to every field of endeavour. The security sector, for instance, is no longer a taboo area for parliament. Governance, both nationally and in international decision-making, can only stand to gain from the growing prominence and scope of parliamentary oversight.

The IPU is pleased to present this new study which is a compendium of parliamentary practice as it applies to oversight. Across the world, parliaments are performing their oversight role in a variety of ways. The study offers information about the wide range of tools that parliaments have at their disposal, or may wish to develop. The commonalities and differences between parliamentary tools in 88 countries are analysed and supported with a wealth of examples. The IPU sets out the broad range of oversight options from which parliaments and other interested practitioners may draw inspiration in a bid to promote efficiency and effectiveness. The organisation intends to continue the research in order to assess how these tools are used in practice, and what their impact and outcomes are.

I encourage readers to use this publication in conjunction with other information available on the IPU web site (www.ipu.org). This includes country-level descriptions of the tools and mechanisms of parliamentary oversight in the PARLINE database on national parliaments; and the complete dataset that was developed when preparing this study.

I wish to place on record my sincere thanks to Mr. Hironori Yamamoto and to his home parliament, the National Diet of Japan. Hironori wrote and edited this study in a most meticulous and dedicated manner while on secondment to the IPU.

My appreciation also goes to the World Bank Institute, which provided funding for the initial data collection exercise that forms the foundation of this study.

I hope that parliaments, parliamentary scholars and practitioners as well as other proponents of democracy will find this study useful in their efforts to make parliamentary institutions stronger.

A handwritten signature in black ink, appearing to read 'Anders B. Johnsson', with a large, stylized flourish extending to the right.

Anders B. Johnsson
Secretary General

Introduction

Parliament is usually referred to as the legislative branch of government. In John Locke's model of the separation of powers, the legislative and executive powers are to be separated. Legislation is to prescribe rules and the power of execution, and the executive is subordinate and accountable to the legislature.

As the body that represents the people, parliament is called upon to see to it that the administration of public policy reflects and meets the people's needs. Parliament is also called upon to ensure that agreed policy is properly implemented and delivered to target citizens. This is the role of parliamentary oversight.

This study, based on data from 88 parliaments worldwide, offers concrete examples of the tools used by different parliaments to oversee their governments. It is intended to provide practical guidance to people in the legislative branch and to those working to strengthen parliaments in order to improve parliament's oversight capacity.

The study uses the following working definition of parliamentary oversight: "the review, monitoring and supervision of government and public agencies, including the implementation of policy and legislation". This definition focuses on the purpose and nature of the oversight activities rather than on the procedural stages in which they take place. It covers the work of both parliamentary committees and plenary sittings, as well as hearings during the parliamentary stage of bills and the budgetary cycle.

From this definition, the key functions of parliamentary oversight can be described as follows:

- ◆ to detect and prevent abuse, arbitrary behaviour, or illegal and unconstitutional conduct on the part of the government and public agencies. At the core of this function is the protection of the rights and liberties of citizens;
- ◆ to hold the government to account in respect of how the taxpayers' money is used. It detects waste within the machinery of government and public agencies. Thus it can improve the efficiency, economy and effectiveness of government operations;
- ◆ to ensure that policies announced by the government and authorized by parliament are actually delivered. This function includes monitoring the achievement of goals set by legislation and the government's own programmes; and

- ◆ to improve the transparency of government operations and enhance public trust in the government, which is itself a condition of effective policy delivery.

To perform these functions, parliaments use various tools. Some of these are stipulated in the text of a country's constitution, but more commonly they are part of the rules that govern parliamentary procedures (such sets of rules are often called standing orders. This study, however, prefers the term "rules of procedure"). These tools are different in nature.

- ◆ Parliament can simply ask the government for information.
- ◆ Parliament can ask the government for public clarification of policy.
- ◆ Parliament can obtain information from sources outside the government.
- ◆ Parliament can express its views to the government and the public.

In the last resort, parliament often has a constitutional power to remove the office holders in the executive branch when the latter no longer seems to be performing its proper function.

Increasingly, attention is being focused on the roles of parliamentary committees, and notably their oversight role, whereas formerly discussion tended to focus on the legislative output of committees. While committee systems are found extensively across the parliaments of the world, they are not all the same. Some parliaments have permanent committees which are involved in both law-making and oversight; others do not. The powers of parliamentary committees also differ. Some parliaments make more use of ad hoc committees of inquiry than others do.

In many parliaments, permanent committees oversee the programmes of the corresponding government departments, including from the budget and gender perspectives. Committees of inquiry can be established to examine the positive and negative aspects of particular policies and to pursue the responsibility of the officials in charge.

Reports of parliamentary committees are the primary vehicle for formulating recommendations to the government. This study illustrates how a committee chooses its programme of work, organizes hearings and prepares reports.

Committees are also an entry point for citizens' involvement in parliamentary business. Experts can be heard in or become advisers to parliamentary committees. Committees can invite interested parties to hearings or invite members

of the public to give evidence. Public hearings held by parliamentary committees have the potential to be a vehicle for informing the public on policy issues and the parliament's work on those issues.

The plenary chamber, meanwhile, remains a key forum for oversight of the executive. There is a wide range of tools that can be used in the chamber, where parliament can hear ministers and government and discuss the whole package of government policy. Regular and effective use of the classic tools such as parliamentary questions and debates can hold the government to account. They enable focused discussion and the clarification of the government's policy. Parliamentary debates can serve this purpose perfectly, especially if the sitting is broadcast or the minutes are made public.

Parliament as an institution oversees the executive branch; but it would be wrong to state that the two branches of government are entirely separate from each other. While the constitution and other laws generally include oversight of the executive branch in the list of parliament's functions, it is frequently observed that whole of the legislative branch does not always oversee the whole of the executive branch. In some parliaments, Cabinet ministers must be parliamentarians, and are called upon to give an account of the activities of the executive branch. In this case, the parliamentary chamber is an arena where different actors use the different tools of oversight of the administration and the government can defend its decisions.

The presence of members of government in parliament is in fact a matter of convention or practice, and is not directly linked to the system of government (parliamentary, semi-presidential, presidential). To illustrate this point, in Germany, most ministers are drawn from parliamentarians as a matter of practice, while in Austria ministers are not parliamentarians as a matter of practice. In most semi-presidential systems, the constitution stipulates that the two offices are incompatible, but at the same time allows members of the Cabinet to attend the plenary and parliamentary committees. It is common for members of the government to observe or participate in the business of the parliamentary chamber either as parliamentarians themselves or by right.

While the constitution may provide for certain tools of oversight, the rules of procedure stipulate which actors are allowed to use which tools on which occasions. In a large minority of bicameral parliaments, the upper chamber plays no oversight role, which is the sole preserve of the lower chamber.

Parliamentary oversight originated in the days before the development of modern political parties. It is therefore normal for the rules of procedure to

allow individual parliamentarians to initiate the use of the different procedural tools, such as parliamentary questions and short debates. These tools are considered by some commentators to be inefficient, although this may be a reflection on the way in which they are used rather than the tools themselves. While some questions may focus on narrow constituency interests, they also represent an opportunity to raise issues of national interest. Information obtained through individual initiatives becomes available to all parliamentarians, and can lead to the performance of the government as a whole being questioned.

In some parliaments, parliamentary political groups, which usually have links with political parties outside the parliament, may also initiate oversight procedures. Indeed, whether or not political parties are formally allowed to initiate the use of the procedural tools, they affect the way in which the tools available to parliamentarians are used. On the one hand, parliamentary political groups can coordinate the use of individual tools to put strong pressure on the government. On the other hand, the leadership of the parties in government can discourage the effective use of oversight tools by their member parliamentarians. The rules of procedure usually take account of the balance between the government side and the opposition side in parliament, and often favour one or more of the main opposition parties in procedures such as debates.

This study aims to provide a catalogue of the oversight tools that are used in parliamentary oversight around the world. It examines the procedural aspects of the individual tools that are commonly used, supplementing this with “country boxes” which highlight original ways of using the familiar tools or tools that are peculiar to particular countries. It does not seek to examine the performance of the different oversight tools; in a sense it is theoretical. Nor does it make overall judgements about which set of tools or which parliament is more effective than another. The absence of one tool in a particular parliament does not necessarily mean that its oversight role is “weaker” than that of parliaments which have that particular tool. Nor does the presence of a wide range of oversight tools within a certain parliament guarantee their effective use.

At the heart of the issue of effective parliamentary oversight is the notion of power. This is well illustrated by the following extract from the chapter on effective parliaments in the recently published Inter-Parliamentary Union (IPU) guide to parliament and democracy in the twenty-first century:

Nowhere more obviously than here are issues of relational power more relevant to a consideration of a parliament’s work. This is not just a matter of the relative powers as between parliament and executive, but also of the bal-

ance of power between parties and within them. Indeed, it is the configuration of party power that can often determine the relation between parliament and executive. In a presidential system, in situations where the legislature is controlled by a different party from the presidency, parliamentary oversight is not only typically rigorous, but party competition can easily degenerate into obstruction and gridlock. In a parliamentary system, and in presidential ones where the same party controls both branches of government, there is the opposite tendency: oversight may be blunted through the way power is exercised within the ruling party or coalition, or the way competition between parties discourages internal dissent within parties from being publicly expressed. So while the interest of opposition parties lies in the most rigorous oversight of the executive, members of a governing party can use their majority so as to ensure that ministers are not embarrassed by exposure or a critical report.¹

The background to this study

The study is based on responses to a questionnaire sent out jointly by the IPU and the World Bank Institute (WBI) in 2001 to all the parliaments of the world. Additional research was carried out to supplement information on legal provisions in these parliaments, but only to complement the information supplied where parliaments did not provide detailed answers or did not answer all the questions.

Responses were received from all the regions of the world and from countries with different parliamentary traditions, accounting for slightly less than half of the national parliaments in the world. In spite of best efforts to obtain responses from a broad range of parliaments, the study does suffer from a certain geographical imbalance: 37 of the 88 respondents are from Europe and only eight are from the Americas, with the result that the US Congress and parliaments in much of Latin America are not represented. The percentages noted in the text and the graphics refer to the 88 parliaments that provided information on their oversight tools. A full list of these parliaments appears in the annex.

A brief glossary of some of the key terms used in the study is also provided at the end of the document. The data collected in the questionnaire is available online in the Parliamentary oversight module of the PARLINE database on national parliaments, and the dataset used to construct the figures and statistics can also be downloaded from the IPU web site (www.ipu.org).

¹ BEETHAM, David, *Parliament and democracy in the twenty-first century: A guide to good practice*. Inter-Parliamentary Union: Geneva, 2006.

Part 1: Parliamentary committees

1.1 Committee systems

Committees are universally found in parliaments across the world. A parliamentary committee is a group of parliamentarians appointed by one chamber (or both chambers, in the case of joint committees in a bicameral parliament) to undertake certain specified tasks. Committees offer a setting which facilitates detailed scrutiny of draft legislation, oversight of government activities and interaction with the public and external actors. A significant part of parliamentary work is now conducted in committees rather than in the parent chamber.

The parent chamber either refers matters to committees or empowers the latter to choose issues to examine.

Box 1.1: Examples of different committee systems

Parliaments in continental Europe

- Permanent legislative committees
- Permanent non-legislative committees
- Non-permanent committees
- Joint committees
- Committees of investigation

Parliaments in the Westminster tradition

- Legislative committees
- Special committees
- Standing committees
- Joint committees
- Subcommittees
- Committee of the Whole
- Domestic or internal committees

Various committees in parliament constitute a committee system, and each parliament has its own committee system. General types of committee system can be identified, based on parliamentary history and tradition. However, the evolution of the committee system is unique to each parliament. Rather than trying to categorize committee systems, this study will consider the tools that are available to parliamentary committees and their members as they carry out their oversight role.

Not all committees play an oversight role. This study does not cover domestic or internal committees, which deal with the management and organization within the chamber. Furthermore, the Committee of the Whole, whose membership is the total membership of the parent chamber, is often considered as an alternative to the plenary.²

In this part of the report, the main distinction to be made is that between permanent committees (also known as standing committees) and ad hoc committees that are set up to address a specific question on a time-limited basis.

² Other types of committee such as party committees or government committees are not discussed in this study.

Parliament can also establish a general oversight committee, which coordinates the oversight work of other permanent committees. An oversight committee can recommend that other permanent committees investigate specific problems that it has identified. Other permanent committees can also bring matters before the general oversight committee.

Many parliaments have a set of permanent committees that are related to the policy areas of government departments (these are called “departmentally-related committees” below). These committees may be organized in such a way as to exactly mirror the government departments, although one such committee may oversee more than one department or one department may be overseen by two or more parliamentary committees. It is common for permanent committees both to deliberate bills of and to be responsible for oversight of the corresponding government department.

The naming of committees varies enormously from one parliament to another, and this can be a source of confusion. A committee with the same title may be a departmental committee in one parliament and a non-departmental committee in another.

The basic function of parliamentary committees is to prepare for deliberation in the full chamber. Committees prepare reports and sometimes a representative or representatives of the committee participate in the plenary debates on these reports. Committee work is important in making possible informed discussion in the chamber. The existence of many specialized committees adds value to parliamentary work. They can work simultaneously to tackle the same problem from different angles. A government’s infrastructure plan, for example, can be examined from the viewpoints of public finance, economic growth, gender, and impact on local populations.

In addition, committees can work as intermediary bodies between interest groups and the relevant authorities and can be entry points for citizens to the work of parliament.

Generally speaking, the composition of a committee reflects that of the parent chamber. Parliamentary political groups are typically represented in committees in proportion to their numerical strength in the chamber. Special consideration can be given to smaller groups to ensure their representation in committees, either as full members or as observers.

However, the simple presence of members of the opposition in committees is not enough to guarantee effective parliamentary oversight. Many other fac-

tors affect the way in which committees carry out their oversight role. First, where one parliamentary group commands a parliamentary majority, the same group may control a majority in each committee. Committees' oversight work needs cooperation by the majority party, which is usually the party in government. Consequently, the governing party may have the possibility to restrict the range and scope of oversight work. Second, the leadership of committees can be monopolized by parties in government if these positions are decided by a majority in the chamber. The composition of the committee leadership is important, because it is usually responsible for preparing committees' draft work programme.

In parliaments where multiparty coalitions are common, leadership positions are distributed among the different parties. Many parliaments have rules that provide that opposition parties hold some committee chairs and/or occupy some seats in the committee's collective leadership body (often known as the bureau).

The description above is applicable mainly to permanent committees. In addition to overseeing government departments through permanent committees, parliament can launch inquiries about specific issues. It can choose to refer inquiries to existing committees or establish ad hoc committees of inquiry. Committees of inquiry collect information about specific events and their causes; they also examine the financial and technical administration of public services. The work of committees of inquiry is supplementary to the oversight work performed by permanent committees. Sections 1.6 and 1.7 discuss parliamentary bodies that are non-permanent in nature.

1.2 Committee work on governmental information

Departmentally-related permanent committees scrutinize the administration of corresponding department(s) of the executive branch either on their own initiative or at the request of the chamber. These roles are sometimes specified in the rules of procedure. For example, Article 49 (4) of the statute of the Lithuanian Parliament states that one of the main powers of committees is "to consider the Government program; on their own initiative or under the instruction of the Seimas, to consider programs of activities of the Government or other State institutions, each within its specific field, and to submit their conclusions to the Seimas".

It is the committee leadership that prepares the committee's programme of work, which gives it considerable scope either to encourage or to hamper the

oversight work of the committee. There are two different types of committee leadership. In some parliaments, the committee chair is the sole decision maker. In others, a committee has a collective leadership body known as the bureau. Both government and opposition parties typically occupy seats in the bureau.

Administrative programmes and progress reports are generally prepared by the executive branch on an annual basis. The in-depth examination of these documents takes time and can stretch over a whole year. In parliaments where permanent committees conduct both deliberation of bills and oversight of the corresponding government department, it is important to set aside enough time for oversight activities.

This can be achieved, first, by holding frequent non-legislative sessions. For example, at the beginning of each annual session of Belgium's House of Representatives, the permanent committees establish a weekly agenda that determines which meetings are principally reserved for legislative business and which are reserved for questions and interpellations. The agenda is then communicated to the Chairmen's Conference.³ Second, committees can set a relatively long period for their oversight activities.

Parliamentary committees often visit government institutions and other sites, both in the capital and elsewhere, to examine the details of specific administrative programmes and their implementation.

In the Republic of Korea, 20 days in the autumn ordinary session are given to committees for annual inspections of the state administration.

Box 1.2: Annual inspection of state administration by the National Assembly of the Republic of Korea

Immediately after the opening ceremony each autumn, the Assembly determines the period during which the state administration will be inspected and then goes into recess. During the recess, standing committees draw up and discuss the plans for inspection. A plenary session is called to approve the inspection of agencies and the chamber then goes into recess again. During this second recess, committees prepare for the inspections. Twenty days during each session are allocated for the inspection of the state administration. After the inspections are completed, the government introduces its budget plan for the next year and committees begin reviewing the budget proposals.

Source: Republic of Korea National Assembly, 2005 Annual Parliamentary Schedule (252nd session [extraordinary], 256th session [regular]).

³ Belgian House of Representatives, Rules of Procedure, Article 35. The Chairmen's Conference is the meeting of the president and vice-presidents of the chamber, former presidents of the chamber, and the leaders of the parliamentary political groups.

1.2.1 Budgetary oversight

Budgetary oversight is a core function of departmentally-related permanent committees, since most government programmes entail a budget for their execution. Conversely, the budget law authorized by parliament or documents annexed to this law show how much money is allocated to each of the policy goals which are to be achieved by one or more government programmes. Budgetary oversight is therefore the key tool with which departmentally-related committees assess government programmes. While committee scrutiny is based on the budget law and the state accounts, the scope of inquiries can go further, into the question of the appropriateness of a policy itself.

Committee on the implementation of budgets

Many parliaments have a parliamentary committee that is called on to scrutinize the implementation of the budget across government departments. In most cases, this is a permanent committee.⁴

Two main types of such permanent committees on budget implementation can be identified. One is the Budget or Finance Committee, which corresponds to the Finance Ministry, which both authorizes the budget bill and scrutinizes reports on its implementation. The other is a Public Accounts Committee, which is not involved in the deliberations on the draft budget. The Public Accounts Committee is often different from other permanent committees in its composition and is frequently chaired by a member of the opposition.

Public accounts committees usually examine reports from the country's supreme audit institution (SAI, frequently headed by an auditor-general). In some countries, departmentally-related committees may also receive the SAI's reports. Examples are Austria and Germany, where a permanent subcommittee of the Budget Committee examines the state account.

Box 1.3: The Public Accounts Committee of the Ugandan Parliament

In Uganda, Article 148 of the rules of procedure specifies the composition of the Public Accounts Committee. In selecting the membership of the Public Accounts Committee, the Business Committee shall take into consideration experience, qualification, and gender representation. The Business Committee shall also ensure that the majority of members of this committee are from the opposition party. The Public Accounts Committee shall be chaired by a member of the opposition party.

Source: Ugandan Parliament, Rules of Procedure of the 8th Parliament of Uganda [following the 2006 elections], Article 148.

⁴ In a few parliaments, the committee is a special committee which is set up every year, and ceases to function when it finishes work on annual budget.

The committee on budget implementation can assign some of its members to oversee specific government departments or aspects of administration. These designated members are called rapporteurs.

Work method

In drafting its reports, the committee on budget implementation either focuses on the SAI's annual and special reports or uses the SAI's report as a reference tool when drafting its own report or the chamber's resolution on the state accounts.

Box 1.4: The Public Accounts Committee of the British House of Commons

The Public Accounts Committee (PAC), which by convention is chaired by a senior member of the main opposition party, is charged by the House with examining the accounts laid before the House by the government. It also conducts detailed examinations of the National Audit Office's "value-for-money" reports, taking evidence from government accounting officers as appropriate and reporting its conclusions to the House. The comptroller and auditor-general or his deputy and a senior official from the Treasury attend all the PAC's hearings. The PAC examines 40-50 reports on accounts and value-for-money reports each year.

Source: IPU, PARLINE module on Parliamentary oversight.

The committee may send its reports directly to the relevant government authorities, requesting explanations and making recommendations to which the government must respond. It may also ask the SAI to conduct special audits of specific programmes or aspects of those programmes.

According to Article 105 of the Japanese Diet Law, "any of the Committees" are entitled to request audits of specific accounts or particular aspects of different accounts.

Box 1.5: Request for audit by the Japanese House of Councillors

The Japanese Parliament (Diet) is authorized to ask the Board of Audit to audit specified government spending and to report on the results. In practice, such requests are issued by committees and conveyed to the Board through the house to which the committee belongs. The Committee on Audit of the House of Councillors made such a request on "matters concerning the government's economic assistance to developing countries (official development aid)" in 2005 and a request regarding more specific matters ("construction and procurement") in 2006.

Source: IPU, PARLINE module on Parliamentary oversight; and Japanese Board of Audit, http://www.jbaudit.go.jp/audit/audit_index.htm2006.

The committee on budget implementation is allowed to ask the public auditor's office to conduct special audits on accounts in which the committee finds irregularities. In Brazil, this committee can ask the Audit Tribunal for final

opinions on irregularities found through the committee's work. If the Audit Tribunal concurs, sanctions will be applied to the programmes concerned.

Box 1.6: Assistance of the Audit Tribunal to the Joint Committee on Projects, Budget and Taxation in Brazil

A permanent joint committee of senators and representatives examines and issues its opinion on the accounts submitted each year by the president of the Republic. The committee calls upon the Audit Tribunal for assistance at different stages.

1. *Like other committees of Congress, the committee can request information concerning the results of audits and inspections made by the Audit Tribunal.*
2. *The committee can ask the responsible government authority to provide an explanation when it finds indications of unauthorized expenses.*
3. *If the explanations are not provided or are not adequate, the committee asks the tribunal to give a final opinion on the matter within 30 days.*
4. *If the Audit Tribunal considers the expenses to be irregular, the committee proposes to Congress that the expenses be suspended.*
5. *In the event of illegal expenses and irregular accounts being identified, the Audit Tribunal applies to the responsible parties the sanctions provided in law, which establish, among other penalties, a fine proportional to the damages incurred by the public treasury.*

Source: Brazilian Constitution, articles 71 and 72.

In addition to submitting statutory reports and discussing them before a specialized committee, members of the SAI may have access to parliamentary committees in general. In the Polish Parliament, an authorized representative of the Supreme Chamber of Control, taking part in a committee sitting, may make comments on the reports and information submitted to the committee by representatives of the government or by other persons participating in the sitting, and – at the request of the committee – explain investigations conducted by the Supreme Chamber of Control.⁵

The committee on budget implementation can have direct access to the government's records, for example, in Nicaragua, where the Permanent Economy, Finance and Budget Committee is granted access to all documents from the relevant government departments.

The committee can also ask the government to provide information through a questionnaire. Special rapporteurs of the Committee on Finance, the General Economy and Planning in the French National Assembly use reply forms to obtain information from ministries. The 42 special rapporteurs nominated by the committee are required to submit reports to the full committee on the budgetary units ("missions") they oversee. In drafting their reports, the special rapporteurs draw on questionnaires completed by the ministries as well as on their own oversight activities conducted throughout the year.⁶

⁵ Polish Sejm, Standing Orders, Article 153.

⁶ IPU, PARLINE module on Parliamentary oversight.

Committee rapporteurs can become channels of communication with other committees. In the French National Assembly, information obtained by the special rapporteurs of the Committee on Finance, the General Economy and Planning is forwarded to the rapporteurs nominated by other permanent committees.⁷

Committees on budget implementation can also ask other permanent committees to carry out investigations into the implementation of specific programmes.

1.2.2 Oversight of long-term planning

The government's long-term plans can also be examined during the annual oversight of government programmes.

Box 1.7: Brazil: Examination of plans and programmes by a joint committee

In Brazil, the government submits to parliament, for approval, a multi-year plan for a fixed four-year period. Once approved, the multi-year plan guides the preparation of the annual budget for each year. The government is also required to prepare national, regional and sectoral plans and programmes according to the multi-year plan. The Joint Committee on Projects, Budget and Taxation examines the draft annual budget and issues its opinion on the national, regional and sectoral plans and programmes.

Source: "Budgeting in Brazil", OECD Journal on Budgeting, Vol. 3, No. 1 (2003).

The type of oversight employed on issues of long-term development is sometimes applied to national defence. The National Defence Committee of the French National Assembly scrutinizes the physical and financial multi-year programming for the armed forces. The military programming bill, which establishes provisional physical and financial multi-year (five to six years) plans for the armed forces, is examined in detail by the Defence Committee and is discussed by the Finance Committee. In addition, the Defence Committee has one or several of its members write reports on issues that merit in-depth study. The committee hears all the individuals it deems necessary either for preparing reports or opinions or for obtaining information, including the ministers of defence and foreign affairs, the chiefs of staff, and the general delegation for armaments.⁸ The replies received from Niger and Togo reveal similar practices.

1.2.3 Oversight of gender issues

Gender mainstreaming is a strategy that puts gender equality issues at the centre of broad policy decisions, institutional structures and resource allocation,

⁷ French National Assembly, Rules of Procedure, Article 146.

⁸ IPU, PARLINE module on Parliamentary oversight.

and includes women's views and priorities in decision-making about development goals and processes.⁹ There is no single model for parliament's work for gender mainstreaming. In some parliaments it is done by the departmentally-related committees. In others, a specialized committee on gender equality performs the task, coordinating with the budget committees. The two approaches are, however, complementary, and a specialized parliamentary body on gender equality can promote gender-mainstreaming efforts by other committees. The Committee on Equity and Gender Issues of the Mexican Senate interacts on a cross-cutting basis with the other regular and extraordinary committees.

Box 1.8: The Committee on Equity and Gender Issues of the Mexican Senate

In the Mexican Senate, the Committee on Equity and Gender Issues has assumed a central role in promoting gender equality and is in the vanguard of efforts to develop evaluation mechanisms for the review of cross-cutting and inter-institutional policies to promote gender equity and improve women's socio-political situation. Since public finance occupies such a central place on the national agenda, particular efforts have been made to involve women legislators in that field, so as to incorporate a gender perspective in federal budget revenue and spending legislation. The committee and its counterpart in the Chamber of Deputies led an attempt to analyse and discuss budget issues to highlight resource allocations to programmes for women and children, for the purposes of monitoring the implementation and ensuring accountability. The committee interacts on a cross-cutting basis with the other regular and extraordinary committees. Some issues are addressed jointly, and the committee's legislative opinion is frequently sought on initiatives with a gender perspective.

Source: IPU, PARLINE module on Parliamentary bodies dealing with gender equality.

The 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) brings together, in a single comprehensive human rights treaty, the provisions of previous United Nations instruments concerning discrimination based on gender and extends them to create a tool dedicated to the elimination of all forms of discrimination against women. Parliamentary oversight of the executive branch includes the scrutiny of how the government implements internally its obligations under CEDAW. More and more parliaments have set up one or more committees or similar bodies specializing in gender equality.

Box 1.9: Monitoring of the implementation of CEDAW in South Africa

The Joint Monitoring Committee on the Quality of Life and Status of Women was first established as an ad hoc committee in 1996 and became a permanent body in 1999. The joint committee must

- a) monitor and evaluate progress with regard to the improvement in the quality of life and status of women in South Africa, with specific reference to the government's commitments with regard to*
 - i) the Beijing platform of action;*
 - ii) the implementation of CEDAW; and*

⁹ Swedish International Development Cooperation Agency (Sida), *Mainstreaming: A strategy for achieving equality between women and men*. Sida: Stockholm, 1996, p. 3.

(iii) any other applicable international instruments.

The Joint Committee may also make recommendations to both or either of the two houses or any joint or house committee on any matter arising from these three sets of commitments. At present the joint committee cooperates with several other committees on conducting a Parliamentary Equality Review Campaign.

Source: IPU, PARLINE module on Parliamentary bodies dealing with gender equality.

1.2.4 Oversight of the implementation of laws

As a legislative body, parliament evaluates the implementation of laws that it has enacted. This is usually accomplished as parliament deliberates legislative proposals, but it can also be done through the non-legislative activities of committees.

Box 1.10: Oversight of the implementation of laws in the Slovak Parliament

The committees shall, in particular...supervise the observance and implementation of laws and whether the regulations issued for their implementation are in accordance with the laws. Where a committee finds a breach of a law or that an implementing regulation violates the law, or that such implementing regulation has not been issued at all, or has not been issued in a timely manner, it shall notify the appropriate member of the government, or the head of the appropriate central body of state administration, and shall require immediate remedial action; if no remedial action is taken, the committee shall report it to the National Council.

Source: Slovak Parliament, Rules of Procedure, section 45.

A committee can nominate a small number of its members to undertake this task. In the lower house of the French Parliament, the National Assembly, permanent committees can each nominate one or more members to form a mission to study the application of laws.

Parliaments can insert provisions in laws that oblige the government to make periodic reports on their implementation. Such reports are either submitted directly to the competent committees or referred to those committees by the chamber that receives them.

Oversight of the implementation of laws may also be the task of a specialized oversight committee.

Box 1.11: Oversight subcommittees in the Philippine House of Representatives

The Committee on Oversight is one of the standing committees of the Philippine House of Representatives. Its principal task is to review (a) the execution and effectiveness of laws enacted and the pertinent implementing rules and regulations promulgated in relation thereto, and (b) the need to propose the requisite courses of action (Rule IX, Section 28). In addition, each parliamentary committee creates a subcommittee on oversight which cooperates with the Committee on Oversight.

Rule IX, Section 29

...A sub-committee on oversight shall be created in each committee to investigate and evaluate, on a continuing basis, the execution and effectiveness of laws, including pertinent implementing rules and regulations, the principal subject matter of which are within its jurisdiction, and the organization and operation of agencies and entities responsible for the administration and execution thereof, to determine whether such laws are being carried out in accordance with the intent of Congress, and the necessity of proposing new or amendatory legislation.

Each sub-committee on oversight of a standing committee shall furnish the Committee on Oversight mentioned under Section 28 (a) of these Rules a copy of all its reports, memoranda and other pertinent documents.

Source: Philippine House of Representatives, Rules, Article XI, sections 28 and 29.

Secondary legislation

The implementation of legislation involves the drafting of regulations.

- ◆ In the Napoleonic tradition, parliament enacts legislation which falls within the domain of statutes. Except for certain areas which are key to fundamental guarantees to citizens and the existence of the State, the role of statutes is limited to determining the fundamental principles of the issues to be governed. Matters falling outside this domain are the subject of regulatory orders: here, the executive branch sets up rules without authority being delegated by the legislative branch, and such orders issued by the former can supersede pieces of legislation enacted by the latter.
- ◆ In the common law tradition, only the statutes enacted by Parliament are considered as primary legislation. Secondary legislation can be issued by the executive branch and its agencies under enabling legislation enacted by Parliament.

Rules of procedure may charge permanent committees with the task of examining regulations. In Cyprus, for example, “Regulations issued and introduced to the House under the relevant law shall, on being introduced, be referred for debate by the President before the appropriate Committee of the House”.¹⁰

Fifteen of the 88 countries that responded to the IPU-WBI survey have a parliamentary committee that examines such secondary legislation. In Canada, a joint committee is charged with this task.

Box 1.12: The Joint Committee on Scrutiny of Regulations in Canada

The criteria it will use for the review and scrutiny of statutory instruments are the following: Whether any Regulation or other statutory instrument within its terms of reference, in the judgment of the Committee:

¹⁰ Cypriot House of Representatives, Rules of Procedure, Article 63.

1. *is not authorized by the terms of the enabling legislation or has not complied with any condition set forth in the legislation;*
2. *is not in conformity with the Canadian Charter of Rights and Freedoms or the Canadian Bill of Rights;*
3. *purports to have retroactive effect without express authority having been provided for in the enabling legislation;*
4. *imposes a charge on the public revenues or requires payment to be made to the Crown or to any other authority, or prescribes the amount of any such charge or payment, without express authority having been provided for in the enabling legislation;*
5. *imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;*
6. *tends directly or indirectly to exclude the jurisdiction of the courts without express authority having been provided for in the enabling legislation;*
7. *has not complied with the Statutory Instruments Act with respect to transmission, registration or publication;*
8. *appears for any reason to infringe the rule of law;*
9. *trespasses unduly on rights and liberties;*
10. *makes the rights and liberties of the person unduly dependent on administrative discretion or is not consistent with the rules of natural justice;*
11. *makes some unusual or unexpected use of the powers conferred by the enabling legislation;*
12. *amounts to the exercise of a substantive legislative power properly the subject of direct parliamentary enactment;*
13. *is defective in its drafting or for any other reason requires elucidation as to its form or purport...*

Source: Canadian Standing Joint Committee for the Scrutiny of Regulations, First Report (39th Parliament, 1st session, 11 May 2006).

1.2.5 Work with other committees/parliamentarians

The scope of the activities of permanent committees is limited by the rules under which they are established. The jurisdictions of departmentally-related committees cover the corresponding government departments. However, the implementation of policy packages often involves more than one government department. Thus there are always issues that overlap the jurisdictions of different committees. Many parliaments have developed mechanisms that allow for some interaction among committees. In the British House of Commons, four of the departmental select committees (Defence, Foreign Affairs, International Development, and Trade and Industry) have met together since 1999 as a Quadripartite Committee (Committee on Strategic Export Controls) to examine the government's annual reports on the granting of arms export licences.¹¹

Inputs from parliamentarians who are not members of the committee

In nearly half of the parliaments surveyed, there is a statutory upper limit on the number of committees in which a member of parliament can serve. Where such a limit does not exist, the political groups in parliament usually divide the committee positions among their members.

¹¹ IPU, PARLINE module on Parliamentary oversight.

Figure 1.1: How many committees is a parliamentarian allowed to serve ?

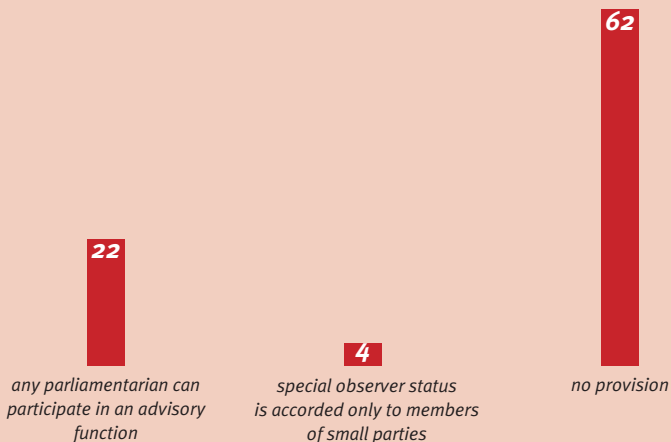


Source: IPU.

Even if they are not members of a particular committee, parliamentarians may want to raise issues for discussion in that committee. Moreover, parliamentarians may have or wish to develop expertise in fields that are outside the jurisdiction of the committees they currently belong to.

In 21 of the 88 parliaments, committees can therefore decide to allow other parliamentarians to participate in their work in an advisory capacity. In the parliaments of Belgium, Denmark, Iceland and Slovenia, special observer status is accorded to small political groups that do not have representatives on the committees.

Figure 1.2: Participation in committee proceedings by parliamentarians who are not titular members



Source: IPU.

1.3 Government in committees

While parliamentary committees can work on written reports provided by the government, they may ask responsible ministers to explain the reports and to provide additional information on issues covered (or omitted) by the reports. By obtaining clarification of the government's activities, committees are better equipped to assess these activities. Oral exchanges in committee rooms enable parliamentarians to hold members of the government to account for their departments' actions.

1.3.1 Presentations by the government

When a government department wants to give a detailed account before the corresponding parliamentary committee, the responsible minister will attend and present explanations. In many parliaments there is an obligation for governments to present a report on their work to the relevant committee. In the Romanian Chamber of Deputies, for example, the rules of procedure specify that once per session ministers shall present a work report and their ministries' strategies before the competent committees of the Chamber of Deputies.¹² After the government presents its policies in committees, members can pose questions. This question period can be included in the committee's agenda.

1.3.2 Appearances by the government at the request of parliamentary committees

The ability of parliamentary committees to demand the attendance of members of the executive branch is a key condition of effective fulfilment of their oversight role. If a committee member deems the presence of ministers necessary, he/she expresses that opinion to the committee chair and the committee chair passes the request to the minister concerned. The ministers so requested will either appear in person or dispatch a representative, unless they have good reason to refuse. In some countries, committees make informal requests to the responsible minister for government officials to appear before the committee.

A committee's exchanges with corresponding ministers can also take place in informal settings. In the Netherlands, for example, such occasions are called "consultations". As the name suggests, there is usually no verbatim record made of these meetings. In Denmark, these consultations can be tape-recorded at the request of at least three committee members.¹³

¹² Romanian Chamber of Deputies, Rules of Procedure, Article 54.

¹³ Danish Parliament, Standing Orders, Article 8 (8).

Box 1.13: Consultations with ministers in the Netherlands House of Representatives

The rules of procedure of the Netherlands House of Representatives allow a committee to enter into an oral consultation with a minister. A committee may hold such consultations on a document referred to it. A committee may also hold general consultations on matters relating to its policy area. A concise report of both consultations on documents and general consultations is produced. Standing orders also provide for oral consultations with civil servants. With the consent of the relevant minister, information may be provided by civil servants, designated by the minister, during oral consultations.

Source: Netherlands House of Representatives, Standing Orders, articles 27, 28, 39-42.

1.4 Citizen participation in committees

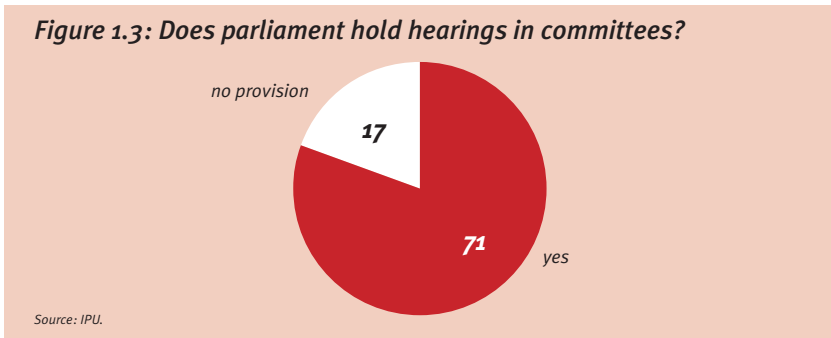
Oversight of the programmes of the administrative branch includes the assessment of the effectiveness of service delivery. When that effectiveness depends on the attitude of the citizens involved, committees' outreach activities can help enhance people's awareness and contribute to better delivery of policy.

While ministerial statements and periodical reports are an essential source of information, parliamentary committees often need to obtain first-hand knowledge from people who are engaged in the implementation of specific programmes and/or directly responsible for service delivery.

Moreover, in order to evaluate the work of the government from a broader perspective, committees may invite experts from outside government to provide background knowledge and analysis. They may also want to hear the opinions of those who are either positively or negatively affected by a programme. Citizens' involvement in committee procedures such as public hearings can thus help parliamentary committees to obtain valuable information. Opening committee hearings to the public is a good opportunity for a parliamentary committee to inform people about its work.

1.4.1 Hearings

To help ensure that they are able to make informed analyses and decisions, parliamentarians usually supplement government-supplied reports with information obtained from other sources. Parliaments thus have procedures for holding hearings and receiving submissions from the public that are recorded as part of parliamentary proceedings.

Figure 1.3: Does parliament hold hearings in committees?

Seventy-one of the 88 parliaments that provided information have procedures for holding hearings in committees. The purposes of committee hearings vary; in four of the parliaments surveyed, hearings are only allowed in special committees of inquiry. In another four, hearings in permanent committees are limited to government officials.

Nature of hearings

Hearings can be used solely as a form of consultation or as a means of obtaining evidence. In the latter case, written and oral evidence taken at the hearings is included in the record of the committee.

In 19 of these 71 parliaments, permanent committees can take the decision to hold hearings to gather evidence either in public or in camera. In some parliaments, permanent committees must obtain authorization to open their hearings to the public. But in 26 parliaments, evidence can be taken only following a decision by the full chamber (see section 1.6 below). Of these 26, 12 allow permanent committees to take evidence only during a parliamentary inquiry, while in 14 permanent committees cannot take evidence during a hearing.

Decisions to hold hearings

A committee's decision to hold a hearing is generally taken by a simple majority of committee members. In most cases, committees are not required to obtain the approval of the chamber or its governing bodies in order to hold hearings.

The leadership of the chamber can have a role to play in authorizing committee hearings. In the parliaments of Andorra, Jamaica, Pakistan and Spain, a request for attendance is formally communicated through the president of the parliament. In Armenia, Belgium and the Republic of Korea, committees wish-

ing to hold hearings must notify the presidency. In Luxembourg, permanent committees must seek authorization from the president of the parliament and from the conference of committee chairpersons.

Persons heard

Government officials

Government officials can provide committees with first-hand knowledge of each administrative programme and details which lie behind the overall picture of the policy area and the aggregate figures provided by the minister and government reports. Although these people may sometimes be present as assistants to ministers, committees can also apply hearing procedures to invite government officials. In some other parliaments, different procedures are applied to hearing government officials and hearing persons outside the government. For example, the former can be called to appear at short notice.

In four parliaments (Cameroon, Côte d'Ivoire, Iceland and Uruguay), permanent committees are only allowed to hear government officials. In these parliaments, hearings of members of the public can occur only in the context of a parliamentary inquiry.

Experts

While government officials have expertise in the specific area of administration, committees may want to seek the opinions of experts outside the government in order to obtain a different perspective on the issues under discussion. Committees may issue personalized invitations to hand-picked experts, or invite expressions of interest from experts in policy networks. In the latter case, the committee has the final say on who should speak before it. In these cases, experts invited to a hearing often submit written evidence before they appear to give oral testimony. Experts can also be heard in consultative hearings, where evidence is not taken.

Interested parties

When assessing the effectiveness of government programmes, parliamentary committees often find it useful to hear interested parties who are affected either positively or negatively by specific programmes. Interested parties may also request that committees give them the opportunity to express their opinions. The rules of procedure of the House of Representatives of Cyprus state

that: “Should a person wish to express views or elaborate on them or opinions on a matter, he shall inform accordingly the Chairman of the Committee in writing, through the Director of the Parliamentary Committee service”.¹⁴ In these cases, committees usually choose who should speak out of many candidates.

Instead of issuing invitations to many groups, committees can define in advance who the interested parties in the issue under consideration are and which body represents these parties. The committee then issues invitations directly to these bodies. Trade unions are a typical example of these “usual contacts”.

The general public

Committees usually have the authority to decide whether or not a hearing should be open to the public. Hearings can be “open” in a variety of ways, which range from allowing exceptional public access to the committee room to inviting members of the public to speak on a subject. As above, the committee retains the right to decide which members of the public it will hear on the basis of the offers received.

1.4.2 Other forms of public participation

In some parliaments, committee meetings are usually held in camera, but committees can decide to hold meetings that are open for public scrutiny. Public scrutiny of proceedings can be achieved in two ways. First, re-transmission by the mass media or parliament’s own broadcasting channel will allow citizens to follow what is currently happening in committees. Second, committees can allow citizens to observe the meetings in the committee room.

Box 1.14: Open meetings in the Danish Parliament

In the Danish Parliament, ordinary committee meetings are held behind closed doors unless the committee decides otherwise. Its rules of procedure (standing orders), however, provide opportunities for committees to hold other forms of meetings:

- ◆ *open meetings: the committee debates one or more subjects. The committee can decide who will be entitled to participate in the debate;*
- ◆ *open theme meetings: the committee members and an invited minister discuss the main concerns of the committee. The committee decides on the form of the meeting and on the public’s access to the meeting;*
- ◆ *hearings: the committee decides on the form of the hearing and on whether the public should be granted access.*

Source: Danish Parliament, Standing Orders, Article 8.

¹⁴ Cypriot House of Representatives, Rules of Procedure, Article 42 (6).

Written submissions

As well as giving oral evidence before committees, interest groups and citizens can submit written opinions to parliamentary committees. In the Romanian Chamber of Deputies, “The representatives of non-governmental organizations and experts may present their opinions on matters that are under discussion in the Committee, or may hand over documents regarding the matters under discussion to the Committee President”.¹⁵ There are rules on whether such submissions should be public or not. In the House of Representatives of Cyprus, the chairman of the committee must make it clear to those wishing to submit information to the committee that the evidence and information submitted will be made public, unless they themselves request that the said evidence and information be considered as confidential.¹⁶

These submissions may also appear in the report of the committee.

Interactive meetings

As well as gathering information from citizens for their own work, parliamentary committees have at their disposal many different ways of reaching out to people to enhance awareness and understanding of new issues. For example, committees in the Namibian Parliament can “organize meetings between citizens, community groups, sectoral organizations, Members of Parliament, and representatives of offices/ministries as may be necessary to facilitate an exchange of views regarding the operations of government agencies and offices/ministries, and their effects on communities and groups in the society”. Public hearings are usually conducted in as many of the 13 regions as the budget allows and are generally informal.¹⁷

1.4.3 Petitions

Parliament can defend the rights and interests of citizens in individual cases. The oversight activities of departmentally-related committees include handling individual complaints against the corresponding government department. Many parliaments have developed a system for streamlining the handling of such grievances. Nineteen of the 88 parliaments surveyed have a committee specifically to deal with petitions.

¹⁵ Romanian Chamber of Deputies, Rules of Procedure, Article 55 (2).

¹⁶ Cypriot House of Representatives, Rules of Procedure, Article 42[8].

¹⁷ IPU, PARLINE module on Parliamentary oversight.

In Germany, the Petitions Committee of the Bundestag is the focal point for handling citizens' complaints. It handles requests and complaints addressed to the Bundestag. The president refers petitions to the Petitions Committee and, in turn, the committee asks for comments from specialized committees if the petitions relate to a subject under debate in those committees. A list of the petitions handled by the Petitions Committee, and related recommendations, is submitted every month to the Bundestag.

Many petitions committees have the power to consult the ombudsperson orally or in writing, and to refer cases to the office of ombudsperson. Other committees can be involved in examining the ombudsperson's report.

Box 1.15: Relations between the national ombudsman and the Petitions Committee of the Netherlands House of Representatives

- 1. There shall be a Petitions Committee, the procedure of which is regulated in a set of rules to be adopted separately by the House.*
- 2. It is charged with reporting on all petitions passed to it by the House or a committee of the House. It is also charged with matters relating to the national ombudsman.*
- 3. Each report on a petition shall contain a clear conclusion. These reports shall be printed and distributed.*
- 4. The committee is competent to consult orally or in writing with the national ombudsman. It may report to the House on reports of the national ombudsman that are referred to it.*
- 5. The committee may request a standing or general committee to give advice or to institute an inquiry on its behalf and to submit a report on the inquiry, after which the committee will report to the House.*

Source: Netherlands House of Representatives, Standing Orders, Article 20.

1.5 Committee reports

When a committee has finished its deliberations on the issues that have been referred to it or which it has chosen to consider, it produces a report summarizing the study or investigation it has carried out and expressing its conclusions. Generally, a simple majority of members is required to approve a committee report.

When it is submitted to the parent chamber, this report forms the basis of discussion and debates in the plenary. It will be the basis of future activities of the committee on the same issue or related issues. Moreover, it can be consulted by other parliamentary committees and parliamentarians who are not members of the committee. Committees' study reports can also be directed to the government and the general public to inform them about the committee's work and to provoke governmental action.

1.5.1 Preparation

Box 1.16: Table of contents of a typical committee report

- ◆ *Terms of reference*
- ◆ *Summary of the committee's conclusions*
- ◆ *Discussion of the reasons underpinning those conclusions*
- ◆ *Conclusions*
- ◆ *Summary record of proceedings*
- ◆ *Evidence taken and submissions received*

The rules of procedure often stipulate that a small number of committee members, called subcommittees or working groups, may be appointed by the committee to prepare the draft reports to be discussed, amended and approved in the full committee.

Rapporteurs

In parliaments in Continental Europe, a committee generally nominates one or more rapporteurs from its members. Rapporteurs have two major tasks. First, they prepare a draft report, which will be subject to the committee's approval. Second, they present the final report of the committee to the chamber.

Box 1.17: The task of a rapporteur in the Romanian Chamber of Deputies

Article 56

- 1) *At the beginning of debate on an item on the agenda, the committee shall designate one or more rapporteurs from among its members, following a proposal by the committee president or by another member.*
- 2) *The rapporteur shall participate in the drawing up of the committee report or opinion, which will be subject to the committee's approval, and may read the report in the plenum of the chamber.*
- 3) *The reports and opinions shall comprise, apart from the opinion of a majority of the committee members, the amendments admitted, the reasoned contrary opinions of the other deputies who are members of the committee, and the amendments that have been rejected.*

Source: Romanian Chamber of Deputies, Rules of Procedure, Article 56.

A committee can designate some of its members to oversee specific departments or areas. For example, the Budget Committee of the German Bundestag has as many rapporteurs as there are ministries.

Task forces

Where the committee chair is formally responsible for producing draft reports, he/she is allowed to set up a task force or give instructions to the secretariat of the committee. The secretariat can include specialists in the area of the committee's competence. For example, standing committees in the Armenian

Parliament have four or five experts. The experts are considered members of the staff and are employed and dismissed with the consent of the chair of the committee. They assist the committee members following guidance by the chair of the committee and may be included in the committees' working groups.¹⁸

Advisers

Parliament can allow its committees to summon external advisers when drafting reports. The background and the status of advisers are not the same in all parliaments, and one parliament can have different types of adviser at the same time, including advisers provided by relevant government departments and agencies, and experts hired by committees (often on a part-time basis). In some parliaments, individual parliamentarians are assisted by party staff member(s) participating in committee sittings in an advisory capacity.

Box 1.18: Types of adviser to parliamentary committees in Croatia

In the Croatian Parliament, committees (working bodies) can have two types of adviser. A parliamentary working body may invite scientific and other organizations and individual experts to help prepare legislation or consider individual matters within their competence if the appropriate funding is secured. The working body may propose to the government that these tasks be entrusted to ministries or other state bodies. When a working body concludes that such work is best done on a contractual basis, the secretary of parliament concludes the contract on behalf of the parliament.

Source: Croatian Parliament, Rules of Procedure, Article 49.

When a committee has approved its report, it submits it to the presiding body or the secretariat of the chamber. The committee report is then placed on the order paper and the committee chair or the designated rapporteur(s) present the report before the chamber. The committee usually seeks acknowledgement of the report by the chamber; votes are not always taken on study reports.

Debates and votes in the chamber on committee reports are discussed in section 2.3 of this study.

Minority reports

While a committee's report can generally be adopted by simple majority, the rules of procedure may provide possible ways in which a qualified minority can express different opinions in committee reports. There are two principal ways. First, committee reports may be obliged to include dissenting opinions. Second, the minority group on a committee sometimes publishes its own report

¹⁸ Armenian Parliament, Rules of Procedure, articles 21 and 23.

separately from the committee's main report. In some parliaments, any individual member with opposing views can submit a dissenting statement.

Box 1.19: Minority reports and dissenting statements in the Austrian National Council

If, in the deliberations of the committee, a minority of at least three participants [a committee usually has 26 members] who are entitled to vote wish to present their dissenting opinion, they shall have the right to present a separate (minority) report in writing.

In addition, any individual who has participated in committee deliberations and is entitled to vote may present his/her dissenting opinion in a brief personal statement in writing. The above-mentioned minority reports and statements shall be submitted to the president in time to allow them to be considered at the same time as the main committee report. They shall be attached to the committee report if the deadline can be met.

Source: Austrian National Council, Rules of Procedure, Article 42.

1.5.2 Exchange within parliament

Other committees

Some committees give their opinions on issues being considered by another committee. These exchanges most often take place when the budget is involved.

Interaction between the Budget Committee and other permanent committees can help in obtaining information and expertise on different programme areas. In some parliaments, members of the Budget Committee can attend the meetings of other permanent committees and receive requests from them. In these countries, permanent committees in turn can nominate one or more of their members to participate as advisers in the Budget Committee.

Box 1.20: Submission of opinions to the Finance and Budget Committee of the Chamber of Deputies of Luxembourg

In the Luxembourg Parliament, other committees submit their opinions to the Finance Committee either at their own discretion or upon request of the Finance Committee. The budget is introduced by the third week of October.

The Finance Committee is responsible for examining the budget bill.

Other committees can examine budgetary, financial or fiscal aspects related to their corresponding ministerial departments.

Each committee can nominate a rapporteur to the Finance Committee.

The Finance Committee can request the opinion of other committees on specific points.

Each committee can submit a report to the Finance Committee, which will be published with the Finance Committee's report.

The Finance Committee prepares its report by 30 November.

The Finance Committee's report is presented to the plenary in early December.

The government presents the draft budget in the plenary.

Parliament debates the draft budget.

Source: Luxembourg Chamber of Deputies, Rule of the Chamber of Deputies, articles 96-105.

Another area in which a committee's report is often directed towards other committees is the handling of petitions.

In the Belgian House of Representatives, the Commission of Petitions transfers relevant parts of the annual and interim reports of the College of Federal Ombudspersons to competent permanent committees. Later, each permanent committee reports back to the chamber.

Box 1.21: Discussion of the ombudsperson's reports in the Belgian House of Representatives

In the Belgian House of Representatives, petitions and annual and interim reports of the College of Ombudspersons are referred to the Commission of Petitions. The commission produces reports on them every term and sends those reports to competent permanent committees. It also transfers relevant parts of the ombudspersons' reports to the competent committees.

Each permanent committee nominates an "ombudspromoteur" who follows the reports of the Commission of Petitions. Each permanent committee reserves one meeting per parliamentary term for the examination of relevant parts of the annual and interim reports of the College of Federal Ombudspersons.

Source: Belgian House of Representatives, Rules of Procedure, articles 24 and 38.

1.5.3 Exchange with the government

Committees can send their reports of investigation containing recommendations for government action directly to the relevant government departments. If the government ignores the reports, that fact will probably be noted in the next committee report.

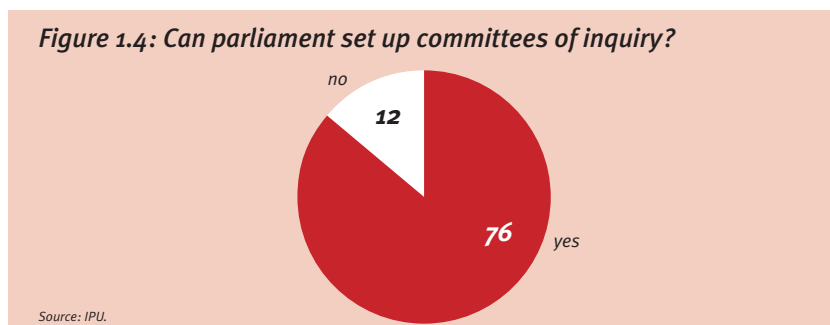
In the Polish Parliament, the rules of procedure state that the addressee of a desideratum (a type of committee resolution) is obliged to take a position within 30 days of receiving the desideratum, unless the Marshal of the Sejm sets another time limit. The responses are considered during a committee sitting. If the addressee does not respond in due time or if the committee finds the response unsatisfactory, the committee may renew the desideratum, submit to the speaker (president) of the Sejm a motion to reject the answer as unsatisfactory, or submit a draft of the relevant resolution or mandatory resolution to the Sejm.¹⁹

¹⁹ Polish Sejm, Rules of Procedure, articles 158-160.

1.6 Parliamentary inquiries

While the jurisdiction of permanent committees generally mirrors the government departments (departmentally-related committees) or covers the whole of an area or aspect of policy (budget, gender), particular problems can be investigated in different settings, such as a committee of inquiry.

Seventy-six of the 88 parliaments surveyed have procedures to set up committees of inquiry. These can be either permanent committees that function as committees of inquiry for certain problems, or ad hoc committees that are specially created to conduct parliamentary inquiries. In 10 of those 76 parliaments, committees of inquiry may be established in the form of either permanent or ad hoc committees.



A parliamentary inquiry is the reflection of parliament's constitutional role in overseeing the government. Consequently, the upper chambers of parliament in Austria, the Czech Republic, Germany and Poland, which do not have a constitutional role in oversight of the government, cannot establish committees of inquiry. In Slovenia, the upper chamber cannot establish committees of inquiry, but it can demand that the lower chamber set up such a committee.

Common features

Regardless of which procedure was used to form them, all committees of inquiry share certain features:

- ◆ They have special powers of investigation.
- ◆ Their special powers can be employed only in relation to the immediate matters of inquiry, which can be very narrow.
- ◆ They can be established during the course of a legislative term or during a parliamentary session.

- ◆ They are set up by the chamber.
- ◆ After submitting a final report to the chamber within a certain period, the committee of inquiry stops functioning.

1.6.1 Inquiries by permanent committees

In 13 of the 88 parliaments which responded to the questionnaire, parliamentary inquiries can be referred to one of permanent committees. Within the framework of the parliamentary inquiry, the powers of permanent committees are enhanced. In the parliaments of Cameroon, Côte d'Ivoire, Iceland and Latvia, permanent committees can only hold hearings or visit government institutions in the context of a parliamentary inquiry.

Procedure of referral

In most of these 13 parliaments, a committee wishing to conduct an inquiry or investigation must obtain permission from the full chamber. The rules of procedure can provide that a committee's request to hold an inquiry is normally accepted, unless challenged.

Box 1.22: Application for special powers by existing committees in the French National Assembly

Permanent and special committees can apply to the Assembly to be granted special powers for a specified mission and for a period not exceeding six months.

The chairman of the standing or special committee seeking special authority applies to the president of the Assembly. Applications are immediately posted on the notice board and relayed to the government and to the chairmen of groups and committees. An application is approved if the president of the Assembly receives no objection from the government, the chairman of a committee or the chairman of a group before the second sitting after the application is posted.

Source: French National Assembly, Rules of Procedure, Article 145-3; and Ordinance No. 58 – 1100 of 17 November 1958, Article 6.

1.6.2 Ad hoc committees of inquiry

Committees of inquiry may conduct fairly intensive investigations over a relatively short period of time, and have the potential to reveal facts that may be uncomfortable for the government. Unlike permanent committees, ad hoc committees of inquiry are established by a resolution of a chamber of parliament.

- ◆ The resolution fixes the duration of the committee.
- ◆ Ad hoc committees' mandates are limited to matters specified in the terms of reference of the chamber's resolution, and can be very narrow.

- ◆ The nature of the inquiry is specified in the resolution.
- ◆ A committee of inquiry can be smaller than ordinary committees, although the principle of equitable representation of parliamentary political groups is maintained.

Box 1.23: Belgium: Example of the terms of reference of a committee of inquiry

Article 1

Section 1. A commission of inquiry is established to examine the causes and consequences of the bankruptcy of the national airline company Sabena. It will also have to determine possible responsibilities.

[subsections omitted]

Section 2. The commission will determine the possible political and other responsibilities. To that effect, the commission will examine the way in which stakeholders and the public authorities have exercised their role as stakeholders.

Section 3. The commission is charged to formulate all possible recommendations with a view to improve the control and rules on companies of which public authorities are either stakeholders or owners.

[details omitted]

Article 5

The commission shall report to the Chamber before 30 June 2002, unless the Chamber allows extra time.

14 November 2001

Signed by nine members of parliament.

Source: Belgian House of Representatives, Doc. 50 1514/001 [4th Session of the 50th legislature], 21 November 2001.

Initiative for the establishment of a committee of inquiry

Ad hoc committees of inquiry are usually established following members' motions. Exceptions are Austria and Denmark, where only the chamber's internal affairs committee (the Main Committee and the Standing Orders Committee, respectively) has the power to move for the setting up of a committee of inquiry. In some parliaments, the government can also move to establish such committees.

In most countries, a single parliamentarian can submit a motion to establish an ad hoc committee of inquiry, without co-signature. In seven of the parliaments surveyed, however, a minimum number of signatures is required, ranging from eight to one-fifth of the total membership. In Romania and Spain, parliamentary political groups are also allowed to move motions to set up a committee of inquiry.

In most cases, a motion to establish a committee of inquiry is decided by a majority in the chamber, not according to how many signatures were collected.

In Benin, France, Gabon, Niger and Togo, a proposal for a committee of inquiry on a specific issue is referred to one of the existing committees whose jurisdiction covers the issue. The committee then examines the proposal and reports back to the chamber, and the chamber decides on the establishment of the committee of enquiry on the basis of this report.

Minority initiative

In seven European parliaments, a qualified minority (between one-fifth and one-third of the full membership) can demand that the chamber set up a committee of inquiry, and the chamber so requested has the obligation to establish such a committee. Germany's Basic Law (constitutional text) stipulates that the Bundestag must establish an investigative committee when a motion is moved by a one-quarter of its total membership.

Special powers

Committees of inquiry are usually equipped with more powers than ordinary permanent committees. Provisions relating to committees of inquiry are sometimes found in an annex to the rules of procedure or even in a separate legal document. In 14 parliaments, evidence can only be taken in ad hoc committees of inquiry. Committees of inquiry are also accorded other special powers. In the German Bundestag, for example,

- 2) The rules of criminal procedure shall apply *mutatis mutandis* to the taking of evidence. The privacy of correspondence, posts and telecommunications shall not be affected.
- 3) Courts and administrative authorities shall be required to provide legal and administrative assistance.
- 4) The decisions of investigative committees shall not be subject to judicial review. The courts shall be free to evaluate and rule upon the facts that were the subject of the investigation.²⁰

Moreover, parliament can establish a committee of inquiry on the same topic repeatedly, should this prove to be necessary. In the 2003-2007 legislature, the parliament of Benin re-established the committees of inquiry on four issues: a one-stop service at the Port Autonome of Cotonou; the acquisition of a power plant located at Takoradi, Ghana; the trade in used motor vehicles; and a pil-

| ²⁰ Germany, Basic Law of the Federal Republic of Germany, Article 44.

grimage for tourists to the Arigbo de Dassa-Zoumè Marian cave.²¹ Naturally, the reports of these committees refer to their predecessors.

1.7 Missions

Parliament can also establish different kinds of mission to collect information. Parliamentary inquiries can be conducted through “information missions”. Missions of this kind can be established in a permanent committee or set up directly by the full chamber. In both cases, missions are expected to work to meet the needs of the chamber as a whole. Information missions of parliament can be dispatched outside the country. Among such missions are delegations to international meetings and inter-parliamentary bodies.

1.7.1 Information missions in permanent committees

The procedure for setting up such missions is similar to the procedure for existing committees to launch a parliamentary inquiry. The committee submits a request for authorization to the chamber or its president, specifying the matter(s) to be examined. After obtaining approval, the commission designates one or more of its members to conduct the inquiry.

The purpose of this kind of mission is to obtain information required for the chamber to exercise its government oversight function. Such missions, based in permanent committees, can serve more than one committee simultaneously.

Box 1.24: Financial delegation in Switzerland

The Finance Delegation of the Federal Chambers is composed of three members of each of the finance committees and carries out permanent, or concurrent, and detailed surveillance of the public finances. For this purpose, it has powers that are more extensive than the finance committees of the parliament. The Finance Delegation functions as a court of audit but without constituting a judicial body. It is required to submit its annual report to the Finance Committees only. However, this report is also submitted to all parliamentarians, who may ask questions and demand clarifications. Likewise, the Delegation either draws up an intermediary report after six months of activity or communicates its findings immediately to the Finance Committees.

Source: IPU, PARLINE module on Parliamentary oversight.

1.7.2 Information missions established by the chamber

Unlike missions set up within permanent committees, information missions established by the chamber serve the chamber directly. In the French National

²¹ Benin National Assembly website, *Contrôle de l'action gouvernementale*, <http://www.assembleebenin.org/interne.php?menu=comparl>, retrieved 2 August 2006.

Assembly, the leadership of the chamber takes the initiative in setting up an information mission.

Box 1.25: Information missions of the French National Assembly

Fact-finding missions may be appointed by the Chairmen's Conference on a motion from the president of the Assembly. Reports by fact-finding missions appointed by the Chairmen's Conference may be presented for debate without a vote in public session. While such missions are supposed to be for information purposes and are not expected to determine the responsibility of the members of government concerned, they can still address topical issues that are of interest to all parliamentary political groups.

Such missions since March 2003 have examined the following issues:*

- the wearing of indications of religion in schools;*
- the security of air transport;*
- health insurance;*
- experiments with and the use of genetically modified organisms;*
- the family and the rights of children;*
- the risks and consequences of exposure to asbestos; and*
- the greenhouse effect.*

** The rules of procedure were amended in March 2003.*

Source: French National Assembly, Rules of Procedure, Article 145; National Assembly website, Information missions established by the Chairmen's Conference, http://www.assemblee-nationale.fr/connaissance/mission_information_presidents_fiche.asp.

1.7.3 Parliamentary delegations to intergovernmental meetings

Information missions established by the chamber can, if necessary, carry out research and investigations abroad. Missions might include parliamentary delegations sent to intergovernmental and inter-parliamentary meetings.

Observing intergovernmental meetings, such as United Nations conferences, allows parliamentarians to follow and oversee government policies and to develop expertise in that policy area. In 31 of the 88 countries surveyed, parliament can decide whether or not to send its own delegation to intergovernmental meetings. Reports submitted by parliamentary delegations to intergovernmental meetings can provide the basis for the common oversight tools to be used, including debates in the plenary and in parliamentary committees.

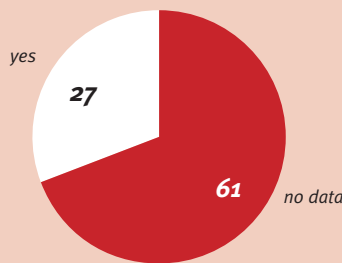
Part 2: The chamber

2.1 The executive in parliament

Presentation by the new government

Information from the government will form the basis on which all parliamentary oversight can be carried out. In many countries, the government presents its policy to parliament for the current year or for the whole term of the government. Such presentations are often followed by exchanges in the parliamentary chamber. Questions and debates on these occasions seek clarification of the government's political course, and comparison of the policies announced with the reports on their implementation is the key to parliament's assessment of the performance of the executive branch.

Figure 2.1: Presentation of policy by a new government to parliament



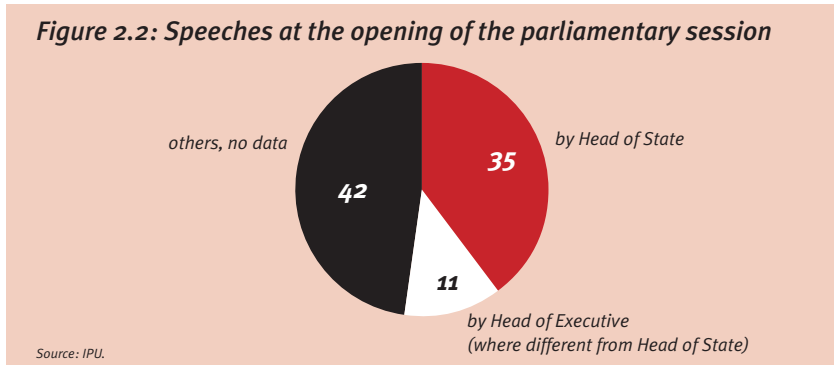
Source: IPU.

In 27 of the 88 countries that replied to the survey, newly formed governments present a list of policy priorities for their term in office. The presentation takes place either before or after the inauguration of the new government.

These speeches are sometimes, but not always, connected to the government's responsibility to parliament. In presidential systems, the newly elected president details the course the new government will pursue, but the content of these speeches does not have to do with parliament's confidence in the president, who is popularly elected. On the other hand, in parliamentary and semi-presidential systems, these speeches and ensuing debates could, at least in theory, be a matter of parliament's confidence in the government. Six of the parliaments surveyed nominate or approve the nomination of the head of the executive branch or head of government on the basis of the programmes presented on this occasion.

Speech at the opening of the annual session

Figure 2.2: Speeches at the opening of the parliamentary session



A speech from the head of state (or the head of government) is not limited to the first year of the executive's term. Where a legislative term is subdivided into parliamentary years that contain one or more sessions, the executive branch generally presents its programme for the coming year at the beginning of each ordinary session.

Thirty-three out of the 88 parliaments which responded to the questionnaire receive a speech from the head of state at the opening of the annual session.

Another nine parliaments receive the address not from the head of state but from the head of the executive, where this is a different figure.²²

Even in those countries where the upper chamber does not have constitutional role in holding the government accountable, its members observe the presentation by the head of the executive branch in joint session with the lower chamber.

Box 2.1: Opening speeches in bicameral parliaments

Of the 40 bicameral parliaments that responded to the questionnaire:

- ◆ The opening speech was given before members of both chambers at the same time:
 - in joint session (in 13 countries);
 - in session of the upper house (Australia, Canada and the United Kingdom).
- ◆ The opening speech was not given before members of both chambers at the same time but was given:
 - in the two chambers separately (Japan); and
 - in one chamber only (Belgium, Namibia).

Eighteen of the 40 bicameral parliaments that responded provided no data on this question.

Source: IPU.

²² In Japan and Sweden, parliament receives the address from both, but only the address from the head of the executive branch has political content.

Opening speeches usually cover a broad range of national policy. In a small number of parliaments, other ministers make a speech on the same occasion to detail their plans for their spheres of responsibility.

Box 2.2: Speeches on the opening day of Japan's Parliament (Diet)

On the opening day of the ordinary session of the Japanese Diet, the prime minister and three other ministers usually make a speech in each of the two chambers:

- the prime minister, on general policy;*
- the minister of finance, on fiscal policy;*
- the minister of foreign affairs, on foreign relations; and*
- the minister of state for economic and fiscal policy, on the economy.*

Representatives of parliamentary political groups ask questions on these speeches on the following days.

Source: Japanese House of Representatives website, http://www.shugiin.go.jp/index.nsf/html/index_e_guide.htm.

Debates on the opening address

Speeches made by the government during the opening session are usually followed by debates. In several parliaments, representatives of parliamentary political groups formulate questions instead of engaging in debates. Debates may last from two days to more than a week and often receive intensive media coverage. These debates provide a valuable opportunity for parliamentarians and parliamentary political groups to examine the government's policy because they both demand clarification of the government's position on broad policy areas and contrast the policies of the government with those of the opposition.

When the draft budget is submitted at the beginning of a regular session, debates on the opening speech can provide information on the forthcoming budget proposal. In Zambia, for example, the general budget is introduced shortly after the general debate and votes on the opening speech.

Budget speech

When an opening speech does not refer to a draft budget, the minister responsible for the budget delivers a speech on the budget on a different occasion. A budget speech presents the broad economic policies of the government and may also highlight some key social policies. Comprehensive figures of the amount allocated to each government programme are submitted in writing.

A pre-budget report describes the government's short- and long-term economic and fiscal policy objectives. A few of the parliaments which responded to the questionnaire noted that a pre-budget statement is presented for parliamentary approval more than one month before the submission of the budget bill.

In many, but not all, parliaments, a budget speech introduces the government's draft budget. In some cases, the budget is presented orally after the committee responsible for budgetary matters has examined the bill.

Since a budget is an expression, in numbers, of the government's policy, budget speeches are followed by policy debates. In some countries, debates can cover the whole range of government policy. In others, debates focus only on the budget proposal.

Presentation by other ministers

Other ministers can appear before parliament to present proposals for legislation or new policy initiatives. Some ministers appear on regular occasions: for example, foreign policy debates are held once a year in February in the Swedish Parliament, and the minister for foreign affairs opens the debate with a presentation of the government's foreign policy.²³ In Mexico, an "analysis of the president's information on the government" is conducted in a series of timed exchanges with members of the Cabinet. Follow-up to the opening debate often takes place in committees.

Box 2.3: Appearances by the executive branch in the Mexican Chamber of Deputies

The Mexican Chamber of Deputies has established the following basic rules concerning "appearances of members of the executive branch for the analysis of the president's information on the government".

First stage

The member of the executive discusses the state of the government. For 20 minutes

A representative of each parliamentary group establishes the position of the group with respect to the subject. For 10 minutes

The member of the executive makes pertinent comments. For 10 minutes

Second stage: One or two rounds of questions and answers in the following format:

1) A deputy from each parliamentary group raises a question; No longer than four minutes

2) The member of the executive answers each question; No longer than eight minutes

3) The parliamentary group has the right to reply. Up to four minutes

Third Stage

The member of the executive directs a final message to the assembly. Up to 10 minutes

Concluding remarks from the chair No more than 10 minutes

Appearances before committees basically follow the same format, although the first stage is often omitted.

Source: IPU, PARLINE module on Parliamentary oversight; and Mexican Chamber of Deputies website, decision of the Political Coordination Body of the Chamber of Deputies, [10 September 2001], <http://cronica.diputados.gob.mx/Comparencias/58/2001/acu2001.html>.

²³ IPU, PARLINE module on Parliamentary oversight.

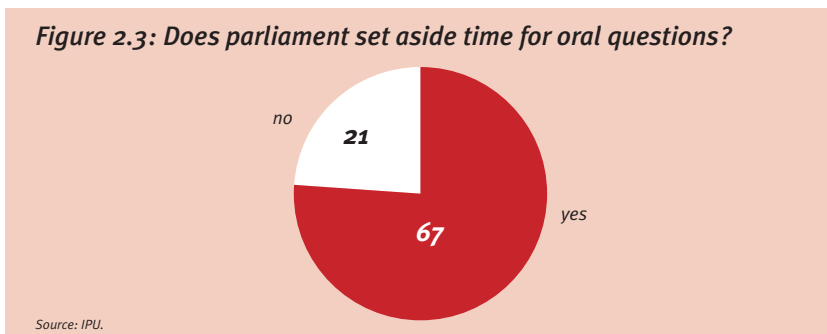
2.2 Questions

A parliamentary question is, by definition, a request for information. Regular questioning can be used by parliament to hold the government to account. Of course, parliamentarians can obtain information by other means, such as informal connections with key figures in the administrative machinery of state. To parliamentary questions, however, the government is obliged to provide an answer. Answers to questions can be available not only to the author of the question but also to all parliamentarians in the chamber, most obviously in the case of oral questions for oral reply. Moreover, through questions, parliamentarians can ask the government to clarify its stance on a particular issue or its political course more generally.

2.2.1 Oral questions (question time)

Question time, the regular period in parliaments' agenda that is set aside for oral questions to the government and answers from the latter, allows both parliament and the public to obtain timely information. Through these sessions parliamentarians who are not in the government can test the government's capacity to address issues of national interest. In many parliaments, question time is the media highlight of the parliamentary agenda and the session is re-transmitted in full or in part.

Figure 2.3: Does parliament set aside time for oral questions?



Source: IPU.

A large majority of parliaments (67 out of the 88 respondents) set aside time for oral questions to the government, independently of legislative business. This figure does not include parliaments that allow questions in response to addresses at the opening of a parliamentary session.

The constitutions of eight of these countries specify the frequency of question periods. In another 25 countries, members of the legislative branch have the constitutional right to question members of the executive branch, although

the frequency and format of the question period varies among these countries. Ten of these 67 parliaments do not have question time at regular intervals.

How frequent is question time?

Figure 2.4: The regularity and frequency of question time



Source: IPU.

The frequency of question time varies from once a month, in Madagascar and Tunisia, to every working day. In 47 parliaments, question time takes place at least once every week when parliament is in session. Where it is frequent, there are two different patterns of scheduling. In 12 parliaments, it is a daily feature. In 35 others, question time, if there is one, is included in a weekly or bi-weekly schedule.

Box 2.4: Daily routine of business in the Australian House of Representatives

MONDAY	TUESDAY	WEDNESDAY	THURSDAY
		9:00 Government business	9:00 Government business
12:30 Committee and delegation reports			
13:45 90-second statements			
14:00-15:30 Question period	14:00-15:30 Question period	14:00-15:30 Question period	14:00-15:30 Question period
15:30 Non-government MPs' business	15:30 papers, ministerial statements	15:30 papers, ministerial statements	15:30 papers, ministerial statements
16:30 Grievance debate	16:30 Government business	16:30 Government business	16:30 Adjournment debate
18:00 Government business			

MONDAY	TUESDAY	WEDNESDAY	THURSDAY
		19:30-20:00 Adjournment debate	
21:00-21:30 Adjournment debate	21:00-21:30 Adjournment debate		

Source: Australian House of Representatives website, Routine of Business (in operation from Monday, 10 February, 2003), <http://www.aph.gov.au/house/info/sittings/routine.htm>; details omitted.

Box 2.5: Question periods in the French National Assembly

Questions for the government

Tuesday and Wednesday afternoons

- Required by the constitution
- Chairmen's Conference fixes the hours
- Notice of the subject is not required
- Rotation of parliamentary groups, alternation of members from the majority and those from the minority
- Not published (TV re-transmission)

Sessions for oral questions

Tuesday mornings

- Chairmen's Conference can organize
- Requires submission of the text of questions
- President of the Assembly registers the list
- Published in the official journal

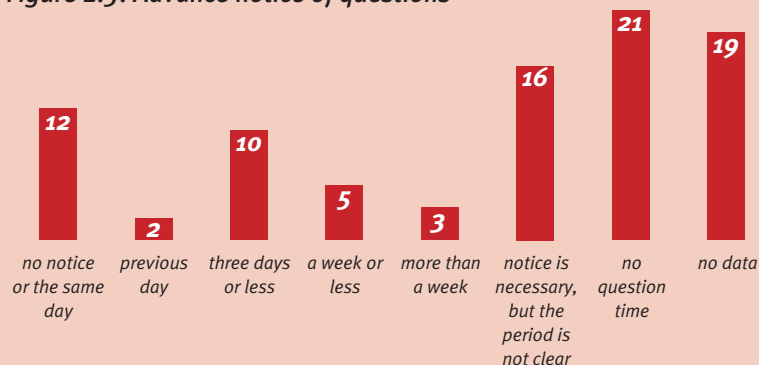
Source: IPU, PARLINE module on Parliamentary oversight; and French National Assembly, Instruction Générale du Bureau de L'Assemblée nationale (14 December 2005), Article 15.

A regular question time is rare among countries with a presidential system, but it does occur in seven of the countries surveyed that have a presidential system. Both chambers of the Philippine Congress can demand that members of the executive branch appear before Congress on any Thursday to answer questions.

Is previous notice required for oral questions?

Rules of procedure vary between parliaments in their provisions for questions on short notice and the possibility of supplementary questions.

Figure 2.5: Advance notice of questions



Source: IPU.

The period of advance notice required when oral questions are asked can influence the impact of the question itself. If the notice is required long before the question is effectively raised, the issue may lose its topicality.

In 55 of the parliaments surveyed, questions can be asked in the plenary only if previous notice has been given to the parliamentary administration. The period of notice varies from one day to 15 days. Most parliaments provide notice to the government in writing before the day of question time.

In 13 of the 57 parliaments that set aside regular periods for oral questions, questions are read out by their authors or by a clerk, and the government gives an oral answer. The government often makes additional remarks. Eleven parliaments set aside two distinct periods: one in which members pose oral questions, and another during which the government provides oral answers to written questions.

'Urgent questions'

Rules regarding previous notice are somewhat more relaxed for urgent questions. These questions, which are usually related to an important news event, may be submitted to the speaker/president of the chamber (this is known as giving "private notice"), and the speaker has the discretion to grant permission to ask the question.

Ideally, oral questions should be able to address all policy areas. In the United Kingdom and countries that inherited its parliamentary tradition, ministers appear at question time in rotation, so that each minister appears before parliament to answer questions about once a month.

Questions posed to the head of the executive branch can be of particular value because they allow members of parliament to ask for information about and clarification of the government's general policies. Eight parliaments set aside time for such sessions. In Zambia, where the president is the head of the executive, questions are directed to the vice-president, who is always a member of parliament.

The frequency of these sessions varies from twice a week (in Ireland) to "once in each period" (in Estonia). Some parliaments insist that the head of the executive branch attend all question times. In Bulgaria, for example, the prime minister is the first member of the government to answer questions during the weekly question time.

Box 2.6: Rotation of ministers in the Irish House of Representatives

In the lower house of the Irish Parliament, question time takes place on Tuesdays, Wednesdays and Thursdays. Fourteen ministers appear before the chamber in rotation. The prime minister appears on two days a week.

(Week)	Tuesday	Wednesday	Thursday
1	Prime minister Minister for communications, marine and natural resources	Prime minister Minister for arts, sport and tourism	Minister for health and children
2	(not sitting)	Prime minister Minister of transport	Minister of justice, equality and law reform
3	Prime minister Minister of environment, heritage and local government	Prime minister Minister of community, rural and Gaeltacht affairs	
4	Prime minister Minister of social and family affairs	Prime minister Minister for enterprise, trade and employment	Minister of defence
5	Prime minister Minister of agriculture and food	Prime minister Minister of finance	Minister of foreign affairs
6	Prime minister Minister for education and science	Prime minister Minister for communications, marine and natural resources	Minister for art, sport and tourism

Source: Irish Dáil, This Week in the Houses of the Oireachtas, 29 May-2 June, 6-9 June, 12-16 June, 19-23 June, 26-30 June, 3-7 July 2006.

Supplementary questions

Figure 2.6: Supplementary questions

intervention by other parliamentarians is allowed

19

only the author of the initial question

25

the author of the question can give only comments

5

no supplementary question

4

no data

14

Source: IPU.

Supplementary questions following the initial question enable members of parliament to seek clarification on points that the government may wish to keep vague or not address at all. Forty-four of the 88 parliaments surveyed allow supplementary questions. Thirty-two of the 55 parliaments which require previous notice for initial questions nevertheless allow supplementary questions, in other words, questions that the executive branch has not been given the opportunity to consider beforehand.

An important procedural point is who is allowed to ask supplementary questions. In 25 of these 44 parliaments, follow-up questions are allowed only from the author of the initial question; in the remaining 19, other members may intervene if permitted to do so by the presiding officer. In four parliaments, the author of the question is not allowed to ask a supplementary question or to express satisfaction with the given answer.

Balance among parliamentary political groups

While oral questions are asked by individual members of parliament, the balance among parliamentary political groups is usually respected when giving members the floor, even when prior notice is not required. In the Australian House of Representatives, the speaker takes oral questions from members of the government and the opposition parties alternately.

The order in which members of parliament may speak can also be fixed in the agenda. In Hungary, on the day allotted for question time, the leader of any party may request that a designated member be given an opportunity to ask a question on a particular subject. Some parliaments set aside one period for individual members and another for political groups in their weekly schedule.

Opposition parties are often favoured in the order of speech. According to Standing Order no. 119 of the Hungarian Parliament, during question time, the first questions are asked by the opposition parties in descending order by the number of seats they hold. In subsequent rounds, all parties ask their questions in the same order. In the Australian House of Representatives, opposition members are given priority for asking supplementary questions.

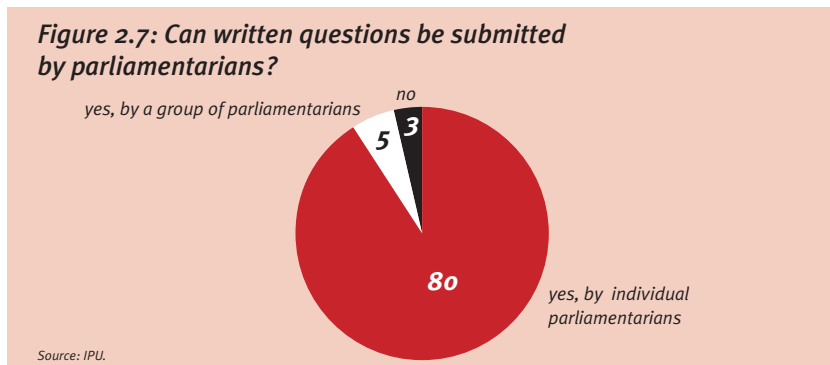
The main or official opposition parties might be favoured over other opposition parties. In the British House of Commons, opposition party leaders and spokespersons are allowed to intervene on questions initiated by other MPs when the speaker permits them.

Some parliaments allow oral questions to be followed by a debate. In 13 parliaments, a group of parliamentarians can submit motions for debate on

another member's question. In six parliaments, follow-up debates can become the basis of interpellations.

2.2.2 Written questions

Written questions are a very widespread parliamentary tool and the most commonly used tool of parliamentary oversight. They enable parliamentarians to request detailed explanations and to seek information from different members of the government.



Of the 88 national parliaments surveyed, 85 have procedures for written questions. The only exceptions are Mexico, Nicaragua and Palau, which all have presidential systems. The upper chambers of the parliaments of the Czech Republic and Poland, which do not have a mandate to hold government to account, do not have provisions for written questions either.

In 80 parliaments, each individual member of parliament can submit a written request for information to the government (the five exceptions are shown in box 2.7).

Box 2.7: Requirements for co-signatures for written questions

Austria: five members (National Council); three members (Federal Council)

China: 30 members (or seconded by one of the 35 delegations)

Costa Rica: five members

Latvia: five members

Lithuania: nine members (each member of parliament allowed to sign only one such request)

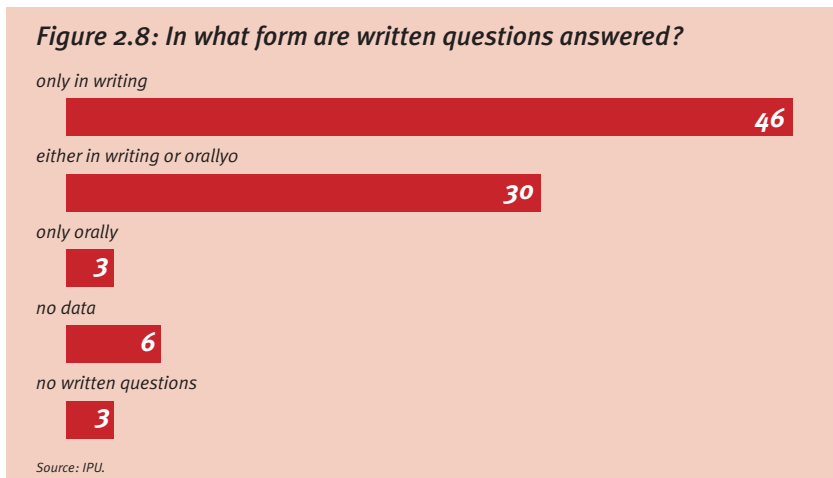
Source: IPU.

Some parliaments set an upper limit to the number of questions allowed to any individual member in a certain period. In Germany, for example, a member of the Bundestag is allowed up to four questions per month.

Written questions are submitted to the office of the presiding officer and then forwarded to the government. Before forwarding the questions, the presiding officer sees to it that they follow certain rules of form and content. Questions which violate these rules are modified or not forwarded at all. A written question should not, for example, be formulated to express the opinion of its author but rather to request information. The use of pejorative language is also commonly prohibited.

Rules specifying to whom questions may be addressed are also common. In many parliaments, the author of a question is required to specify who in the government is responsible for providing an answer. In these parliaments, when a parliamentarian wishes to ask the same question of several different ministers, the question will be addressed to each of relevant ministers separately. On the other hand, in some countries, written questions must be directed to the whole government team, and the latter decides who should answer which questions.

Answers to written questions



The meaning of the term “written question” is not the same in all parliaments. In 46 parliaments, the term refers to a category of questions posed in writing that require written answers. Thirty parliaments allow the authors of written questions to request either written or oral answers. Some of these countries allow the government to choose between the two forms of answer. The parliaments of the Islamic Republic of Iran, Lithuania and the Philippines receive only oral answers to written questions. On the other hand, in the Ro-

manian Chamber of Deputies, a member may require both oral and written answers.

Box 2.8: Written questions for oral reply in the Romanian Chamber of Deputies

Each member of the Romanian Chamber of Deputies may formulate written questions or put oral questions to the government, to ministers or to other heads of public administration bodies. A member may require an oral or a written answer or both.

Oral answers to written questions (Art. 170-2,3 of the rules of procedure)

*Submission: The member of parliament states his/her preferred form of answer
The secretariat forwards the question to the government*

Oral answer: 30 minutes following question time (19:30-20:00 on Mondays) no later than 15 days after the date of filing

Format: Answer – Reply

Written answers to written questions (Art. 170-1,4 of the rules of procedure)

*Submission: The member of parliament states his/her preferred form of answer
The secretariat forwards the question to the government.*

Written answer: sent within 15 days. Both questions and their answers shall be posted on the House of Deputies' website.

Source: Romanian Chamber of Deputies, Rules of Procedure, Article 170.

Deadline for the answers from the government

Figure 2.9:
Deadline for the government's answer to written questions

a week or less



between 8 and 15 day



between 16 and 30 days



more than a month



others



no deadline



Source: IPU.

Fifty-eight of the 85 parliaments which provide procedures for written questions stipulate that the government should provide an answer within a given number of days after the question is transmitted. The time allowed for the government to respond varies from three days (in Ireland) to 60 days (in Aus-

tralia's lower house). In Mongolia, the author of the question sets the deadline. The differences in the deadlines often reflect differences in the rules concerning the formulation of questions.

Nine parliaments allow for extensions to these deadlines.

Figure 2.10: Extension of deadline for answers to written questions

	<i>initial deadline</i>	<i>extension by</i>
<i>Benin</i>	<i>30 days</i>	<i>30 days</i>
<i>Bulgaria</i>	<i>7 days</i>	<i>7 days</i>
<i>Côte d'Ivoire</i>	<i>1 month</i>	<i>1 month</i>
<i>France</i>	<i>1 month</i>	<i>1 month</i>
<i>Madagascar</i>	<i>next month</i>	<i>1 month</i>
<i>Niger</i>	<i>1 month</i>	<i>15 days</i>
<i>Rwanda</i>	<i>15 days</i>	<i>30 days</i>
<i>Spain</i>	<i>20 days</i>	<i>20 days</i>
<i>Togo</i>	<i>next month</i>	<i>1 month</i>

Source: IPU.

These statutory deadlines are not always respected in practice. In the United Kingdom, where the statutory deadline for answering a written question is seven days after receipt of the question, “[d]epartments may give initial ‘holding’ answers within the deadline, with a substantive answer to follow”.²⁴ In Japan, if an answer cannot be given within seven days, the Cabinet gives a reason for the delay and sets a new deadline.

Questions that are not answered in time

If a government is able to leave parliamentary questions unanswered, “statutory” deadlines become meaningless. A number of procedures exist to ensure that parliamentary questions do not lapse once the deadline passes. Parliament may

- ◆ put the question on the order paper, with an indication of the delay (commonly used);
- ◆ accept an oral reply to the question (13 parliaments use this procedure); or
- ◆ use interpellation (rarely used).

Many parliaments publish the title or the content of unanswered questions on an order paper. The plenary can then prompt the government to provide the answer. The Australian Senate allows the author of an unanswered question,

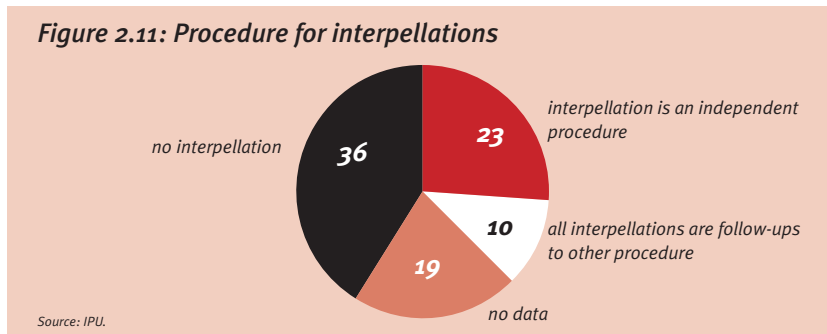
²⁴ IPU, PARLINE module on Parliamentary oversight.

who is not satisfied with the government's explanation for the delay, to move a motion that the answers and explanation be tabled by a certain date.

Parliamentarians can also request the government to provide oral answers to written questions that remain unanswered. In 13 parliaments, if the government fails to answer written questions within the statutory deadline, oral answers must be given in the plenary. In the House of Commons of Canada and the Chamber of Deputies in Spain, written questions which remain unanswered can be raised orally in a committee and an oral exchange may follow. In the Republic of the Congo and the Democratic Republic of the Congo, unanswered questions become the subject of interpellations, which raise the question of the government's responsibility.

2.2.3 Interpellations

In general, an interpellation is a formal request for information on or clarification of the government's policy. In many cases, votes are taken following interpellations, including motions of censure. The procedure has developed through practice in each country and the word "interpellation" is understood differently in different parliaments.



Fifty-two of the 88 parliaments surveyed have procedures for interpellations as distinguished from ordinary questions. In seven parliaments, interpellations are made only as a follow-up to other written or oral questions, while in 23 parliaments an interpellation is an independent procedure.

As an independent procedure, interpellations often take the form of a written request for information with the intention to launch a debate. Although the procedures for issuing an interpellation are similar to the procedure for written questions, different rules concerning the government's reply are applied to interpellations.

Interpellations are often distinguished from ordinary questions by their content, in that they usually address matters of national importance. The Belgian House of Representatives, for example, excludes matters of local or special interest from interpellations.

Initiative for interpellations

Figure 2.12: Who can launch interpellations?

a political group

15

an individual parliamentarian

30

Source: IPU.

Interpellation involves more than one parliamentarian. In 15 of the 45 parliaments where interpellation is an independent procedure, interpellations can only be issued by a group of members or by recognized parliamentary political groups. The required minimum figure varies from just five members to one-third of the whole chamber.

When interpellations follow questions by individual members, the author of the initial question needs the support of his/her colleagues, or the entire chamber, to make that initial question the subject of an interpellation. Moreover, where individual parliamentarians have rights to submit interpellations, a debate launched by the author of the interpellation can give rise to open debate involving the whole chamber. In the Estonian Parliament, interpellations arise from the written inquiries of individual members. After a reply to an interpellation has been provided, the interpellant or his/her representative opens a debate. Thereafter, representatives of the factions and committees wishing to express their opinions are allowed to present comments.²⁵ Parliament can also organize regular periods for interpellations. In Sweden, interpellation debates are held at least once a week in the chamber.

Parliamentary political groups generally play a prominent role in the interpellations procedure. Some parliaments allow political groups to submit interpellations, and political groups can still control individual initiatives for interpellations even if they themselves are not allowed to initiate them. Theoretically, parliamentary groups of the parties in government can submit

²⁵ IPU, PARLINE module on Parliamentary oversight.

an interpellation; but in practice interpellations issued by political groups are usually considered to be a tool for the opposition groups. In the German Bundestag, there is a system of major and minor interpellations, whereby only an official opposition group or 5 per cent of the membership can issue major interpellations.

In the Belgian House of Representatives, the submission of an interpellation by individual parliamentarians requires the approval of the parliamentary political groups they belong to.

Box 2.9: Major and minor interpellations in the German Bundestag

The German Bundestag allows two forms of interpellation.

- ◆ *Major interpellations addressed to the federal government take place in the plenary, are submitted to the president of the Bundestag, and are signed by a parliamentary group or by a minimum of 5 per cent of the members of the Bundestag. The president informs the federal government of the interpellation and asks the government to state whether and when it will answer. After a reply is received, the major interpellation is placed on the agenda. A debate must take place if a parliamentary group or 5 per cent of the members of the Bundestag so demand. Prior to the debate, one of the questioners may be allowed to state additional reasons for the interpellation.*
- ◆ *In minor interpellations, the federal government is asked to furnish information on specifically designated issues. Questions are submitted to the president of the Bundestag who then asks the government to reply to the questions, in writing, within two weeks.*

Source: IPU, PARLINE module on Parliamentary oversight.

Votes on interpellations

There are two types of vote following interpellations.

First, an interpellation may be followed by a vote of censure. An interpellation followed by a vote on a motion of censure was a hallmark of the development of parliaments in the past, and many countries still allow this type of vote. Votes are taken either on the policies of the government department in question or on the performance of the whole administration. These censure motions following interpellations can also be blocked, for example, in Belgium the government can counter a motion of censure with a motion to return to the order of the day.

The other type of vote is taken on the motion for a resolution by the chamber to express its opinion on the subject of the interpellation or the government's reply to it, but without pursuing the issue of the government's responsibility. In some parliaments, both types of vote are possible.

2.3 Debates

In general, parliamentary debates are oral exchanges of opinions that are intended to facilitate the chamber's collective decision-making on certain issues. Debates can take place on special occasions such as opening speeches or at different stages of the examination of draft legislation. In addition, parliamentary debates can address issues that are chosen by parliamentarians themselves, or highlight the work of parliamentary committees. The rules on parliamentary debates provide parliamentary political groups with an opportunity to express their view, while also allowing individual parliamentarians to bring particular issues to attention.

2.3.1 Debates on reports of committees/missions

Committee reports in the plenary

Taking committee reports to debate in the plenary can be valuable both for the committee concerned and for the whole chamber. From the committee's viewpoint, when a committee report is adopted by the full chamber, it then represents the will of parliament as a whole and as such becomes politically more persuasive. Moreover, debate in the plenary gives publicity to the committee's activities. For the plenary, debating committee reports allows issues to be aired in a context of focused deliberation. The content of the reports enables informed discussion, giving both the government and the opposition a chance to present their views.

Debates

In some parliaments, committees have the right to launch a debate based on a report, although in most cases reports can only be debated when the body in charge of the chamber's agenda so decides.

Committee reports can be discussed during regular debating periods. In the United Kingdom, the Liaison Committee (a meeting of the chairmen of select committees) chooses select committee reports to be debated during the sittings of the House in Westminster Hall.

Box 2.10: Debates on select committee reports in Westminster Hall of the British House of Commons

In the United Kingdom, select committee reports are referred to frequently in debates of all kinds, but the Select Committee on Liaison, a meeting of the chairmen of select committees, chooses select committee reports to be debated in sittings of the House of Commons in Westminster Hall, a

“parallel chamber”. These take place on Tuesdays and Wednesdays from 09:30 to 11:30 and from 14:00 to 16:30, and on Thursdays from 14:30 to 17:30 The business taken at any sitting in Westminster Hall shall be such as the chairman of the Committee of Ways and Means shall appoint and may include oral answers to questions under arrangements to be made by him. Apart from this, in each session, the speaker shall appoint not more than six Thursdays on which the business to be taken in Westminster Hall should be debates on select committee reports chosen by the Select Committee on Liaison. The government makes additional Thursdays available, with a target of two-thirds of debates to be available as recommended by the Modernization Committee.

In the 2003/2004 session, 25 out of 33 days were allotted to select committee reports, including one day allocated but not used, compared with 23 out of 35 in the 2002/2003 session.

In addition, the following reports were debated on the floor of the House during estimates days: People, pensions, and post offices: The impact of “direct payment” on post offices and heir customers (Trade and Industry Committee, 11 December 2003); Childcare for working parents (Work and Pensions Committee, 11 December 2003); Biofuels (Environment, Food and Rural Affairs Committee, 11 March 2004); and Aviation (Transport Committee, 11 March 2004).

Source: British House of Commons, Select Committee on Liaison, First Report [annual report for 2004], <http://www.publications.parliament.uk/pa/cm/200405/cmselect/empliaison/419/41902.htm>; Standing Order No. 10 (Sittings in Westminster Hall); and Standing Order 145(t).

Agenda setting

The chamber’s leadership body determines the order of business on the agenda. The government, parliamentary political groups and committees participate in or influence the choices of the leadership body.

Box 2.11: The Chairmen’s Conference in France

In the French National Assembly, the Chairmen’s Conference draws up the agenda of plenary sittings. During its weekly meeting, the Conference examines the Assembly’s order of business for the current week and the two subsequent weeks. The Conference is notified of government requests to give certain matters priority on the Assembly’s agenda. During the session following the conference meeting, the president presents its proposals to the Assembly. No amendment is permitted; the Assembly decides on all the proposals.

Source: French National Assembly, Rules of Procedure, Article 48.

2.3.2 Organized debates

Debates can focus on issues that have already been discussed, such as questions the government has failed to answer within the deadline or to which it has not provided an adequate reply. The author of the initial question moves a motion for this kind of debate. Often, the motion has to be seconded by other members of parliament.

In a few parliaments, a motion by one-fifth or two-fifths of the total membership is needed before a debate can be launched. In the Republic of Korea, only the leaders of parliamentary political groups can make such proposals. On the other hand, in the Greek Parliament, individual members of parliament can submit topical questions for discussion. Parliamentary groups choose the subjects for debates held on Thursdays and Fridays. Subjects that are not se-

lected by parliamentary groups may be chosen by lottery for the following Monday.

A few parliaments organize frequent debates on foreign policy. The Austrian National Council organizes between 15 and 20 plenary debates per parliamentary session on foreign policy issues. In Denmark, they take place about 10 times in each session.

In Latvia, the parliament organizes an annual debate on international issues in which delegations to all inter-parliamentary structures participate.²⁶

Time reserved for the opposition

The organized debates described above usually held with the agreement of the parliamentary political groups, including both the government and opposition parties. In some parliaments, however, the main opposition parties have a certain amount of time at their disposal, which could be used for oversight work. The British House of Commons has “opposition days” and the opposition leader determines how these allotted days are used.

2.3.3 Individual initiatives

When parliamentarians participate in debates organized by political groups, they do so as representatives of their group. However, individual parliamentarians also have the possibility to launch debates on issues of their own choice, for example by using interpellations or questions with debates. In addition, other opportunities may be foreseen within the parliamentary rules.

Debate on adjournment

Debates on adjournment are seen in the United Kingdom and in parliaments that follow the Westminster parliamentary tradition. These debates take place at the end of every session and usually last 30 minutes. Although the format of the debates on adjournment varies among parliaments, there are a few common features.

- ◆ Debates are initiated by an individual member on the motion to adjourn.
- ◆ Rules on the relevance of the speech to the question at hand are not applied, so members can raise any issue.

| ²⁶ IPU, paper to the Second World Conference of Speakers of Parliaments.

- ◆ Although matters of general importance can be raised, most of the debates focus on problems in constituencies or on individual complaints.
- ◆ Exchange is rare. In general, only the member of parliament raising the issue and the ministers answering participate in these debates.
- ◆ When the allocated period expires, the chair declares that the motion to adjourn is adopted. No votes are taken.

Sometimes, members who are not satisfied with the answers given during question time raise the matter in adjournment debates.

2.4 Votes of confidence

When the government or some of its members seem, in the eyes of parliament, to be failing to carry out their duties, parliament can initiate procedures which have the potential to replace all or part of the government. There are two different types of procedure. One is the withdrawal of confidence in the government or in individual ministers. The other is a decision to the effect that conditions specified in the constitution for the removal of the office holder have been met. These measures are, in a sense, a last resort. The requirement for a certain minimum number of votes to be obtained before such motions can be initiated or passed highlights the relative strengths of the different political groups within parliament. Where the government has a parliamentary majority, it can usually count on that majority to block the motions.

2.4.1 Votes of no confidence in the government (collective responsibility)

Sixty-three of the parliaments surveyed allow votes of no confidence in the government. Where the legitimacy of the government rests on parliamentary confidence, the withdrawal or denial of confidence by parliament can force the government out of power.

The difference between votes of no confidence in the government as a whole and votes against individual ministers should be noted.

Twelve out of the 29 presidential systems surveyed do not recognize any kind of no confidence vote. Although the remaining 17 have rules that refer to a 'vote of no confidence', seven of these clearly indicate that only a no confidence vote against an individual minister is allowed.

Figure 2.13: Votes of no confidence

vote of no confidence in government is allowed



vote of no confidence in individual ministers is allowed, but not in government



no vote of no confidence is not allowed



■ parliamentary system
■ semi-presidential system
■ presidential system

Source: IPU.

In 15 bicameral parliaments, it is not the role of the upper chamber to hold the government accountable. These upper chambers are not equipped with the tools to withdraw confidence in the government. Another 10 can hold the government accountable but are not allowed to move a vote of no confidence in the government. On the other hand, in Romania, where the government is accountable to the joint session of the two chambers, votes of no confidence are taken in a joint session.

There is no single, universal standard of what counts as a vote of no confidence. In parliaments in the British tradition, confidence in the government is a matter of convention and there can be an implicit motion of confidence, such as a vote on important measures. In these countries, it is the government which declares which vote should be considered as a vote of confidence, and a motion entitled ‘no confidence’ by individual members is not automatically considered as such.

In Armenia and Mongolia, the constitution stipulates that parliaments can move votes of no confidence only when the government moves a vote of confidence.

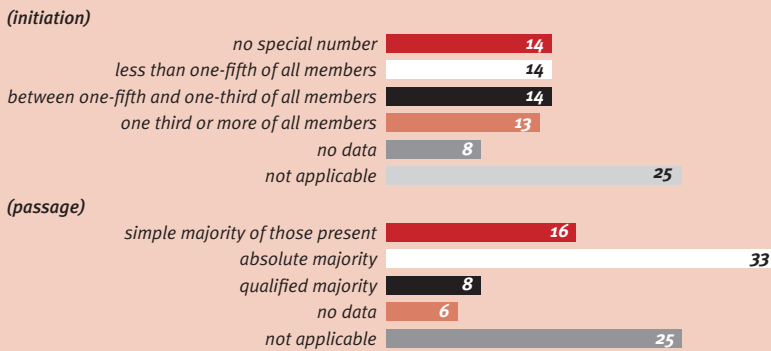
In Germany, Lesotho, Slovenia, Spain and Thailand,²⁷ votes of no confidence in the government are allowed only when parliament also elects a successor by a majority vote (“constructive vote of no confidence”). In Germany, the Bundestag may express its lack of confidence in the federal chancellor only by electing a successor by the vote of a majority of its members and by asking the federal president to dismiss the federal chancellor. The federal president must comply with the request and appoint the person elected.²⁸

²⁶ This was the case at the time the reply to the questionnaire was submitted.

²⁶ Germany, Basic Law, Article 67.

Requirements

Figure 2.14: Requirements for the initiation and passage of a motion of no confidence



Source: IPU.

Although votes of no confidence make the headlines, the requirements for submitting these motions, and the serious consequences that they may entail, mean that they are not used frequently.

In 41 of the 63 parliaments which allow votes of no confidence in the government, a certain number or proportion of members of Parliament (e.g. 50 per cent in Madagascar) must co-sign a submission for a vote of no confidence.

For a vote of no confidence to be passed, in 33 of the countries surveyed, an absolute majority of all members of the chamber (or chambers, if votes are taken in joint session) is required. In 8 countries, the passage of a motion requires a qualified majority of three-fifths or two-thirds. In the remaining countries, at least a simple majority is required. An absolute majority of the total membership is required in some countries. The requirements for passing votes of no confidence can allow the parties in government to block them, which reduces the effectiveness of this oversight tool.

Votes of no confidence are generally used as a last resort. In 44 countries, the government must resign when a vote of no confidence against it is passed. In another 12 other countries, parliamentarians risk their seats by passing a motion of no confidence, because the government has a choice between resigning or dissolving parliament. In Hungary and Tunisia, two successive votes of no confidence lead to the dissolution of parliament. Governments can also intentionally “lose” a vote of confidence with the aim of dissolving parliament.

Thirty of the 63 parliaments which allow votes of no confidence against the government stated that they had never used this procedure. Among parliaments that do use votes of no confidence, the success rate for these votes is not very high. According to the survey, between 1990 and 2000, 10 cases in seven parliaments were reported of a motion of no confidence being adopted, whereas 26 parliaments had rejected such motions when they were put forward.

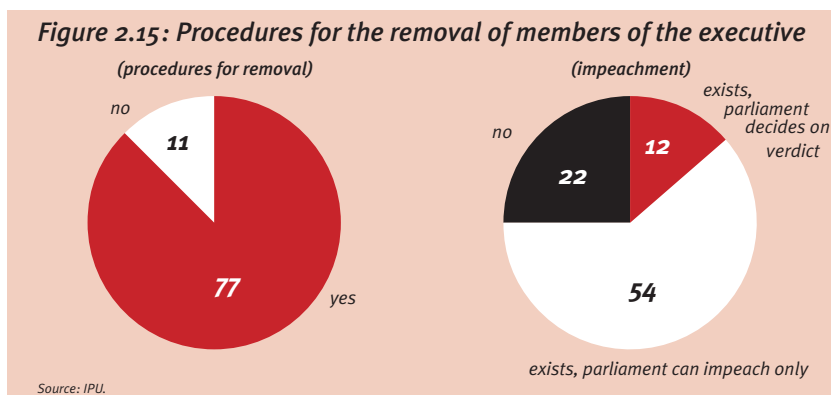
2.4.2 Censure of individual ministers (individual responsibility)

In 35 of the 88 countries surveyed, parliament can vote only against the whole government. Where the collective responsibility of the Cabinet is stressed, a vote of no confidence against individual members is prohibited. On the other hand, several parliaments admit both collective and individual responsibility and allow both types of no confidence motions. Eight parliaments report that motions of no confidence cannot be moved against the whole government but only against individual ministers.

The requirements for passing these motions are similar to those for passing a vote of no confidence in the whole government. The parties in government, if they so wish, thus have the possibility of blocking their passage. These motions, unlike no-confidence votes against the whole Cabinet, do not threaten the government immediately. The government can simply replace the minister who has been censured, although ministerial vacancies are a potential cause of conflict between parties in government or within these parties. The repeated adoption of such motions can eventually lead to the government being replaced. In Lithuania, when more than half of the ministers have been replaced, the powers of the government must be re-confirmed by the parliament or else it must resign.

2.4.3 Recall/dismissal/impeachment

Apart from raising questions of confidence, there is another group of procedures directed at the removal of the executive. These procedures question the aptitude of specific office holders. In presidential systems, the legitimacy of the president is derived from the fact that he/she is elected by popular vote, and thus does not depend on the confidence of the parliament. Yet procedures such as recall, dismissal and impeachment are not limited to countries with presidential systems; they are also found among semi-presidential and parliamentary systems.



Of the 88 parliaments which responded to the questionnaire, 77 have procedures for recalling, dismissing or impeaching the executive. Thirty-two countries have dismissal procedures; 66 have impeachment procedures; and 17 have procedures for both. Four countries have all three kinds of procedure.

Recall

Among the parliaments surveyed, those of Austria, Iceland, Palau and Romania can initiate the recall of the president of the republic. When parliament passes a resolution for the recall, the resolution is then put to popular referendum. If a majority of voters support the resolution, the president is removed from office. This procedure, however, can involve some risk for parliament. In Austria, rejection of the resolution of the National Council in such a referendum leads to the immediate dissolution of the chamber.

Dismissal

Among the 32 parliaments that have dismissal procedures, three different forms of involvement can be identified. In 13 of these 32, parliaments may resolve on the dismissal of the head of state. In eight of them, parliament may pass a motion to recommend that the head of state dismiss one or more government members. In 11 of the 32, parliament has the power only to approve the head of state's recommendation that one or more government members be dismissed.

Impeachment

Sixty-six of the parliaments surveyed indicate that they play a role in impeachment procedures. However, 10 of them only approve the process or the

result of an impeachment initiated by other entities. Fifty-six parliaments have the initiative of impeachment.

Impeachment requires specific reasons, which are set out in a country's constitution or related laws. Breach of constitutional duty is specified as a reason for impeachment in 20 of the 66 countries. In Austria, Croatia and Mongolia, this is the only reason for impeachment. Thirty-four parliaments refer to treason and/or "crimes of a high order" as reasons for impeachment. In 47 countries, the head of the executive branch cannot be impeached for ordinary crimes. What constitutes a crime of a high order is not clear in the survey data, but five parliaments mention corruption or bribery as a reason for impeachment.

Where both the head of the executive and other ministers are subject to an impeachment procedure, the reasons for impeachment of the latter may be broader in scope. In five parliaments, the head of the executive can only be impeached for crimes of a high order, while other members of the executive can be impeached if they are accused of committing any crime in the penal code. On the other hand, 15 parliaments may impeach the head of the executive for ordinary crimes.

Only two parliaments responded that motions for impeachment can be submitted according to ordinary procedures. In the remaining chambers, a certain minimum number of signatures is required. In seven parliaments, a motion for the impeachment of the president requires the signatures of half or more of all members of the chamber.

A qualified majority is required to pass a motion to impeach in most of the 56 parliaments where this right of initiative exists. Thirty-nine of those parliaments require that two-thirds or more of all members agree.

Twelve parliaments can not only initiate impeachment procedures but also decide on a verdict. Only two of them, those of Lithuania and the Republic of Korea, are unicameral. For the remaining 10 bicameral parliaments, the basic pattern is that one chamber impeaches and the other chamber tries. This often means that a qualified majority is required in both chambers. In Kazakhstan, although the impeachment procedure can be launched by a simple majority of the lower house, two-thirds of all Senate members must approve the result of the corresponding investigation. A final decision is determined when at least three-quarters of the members of each chamber, in a joint session, agree.

According to the survey, 30 motions to impeach were reported in the ten-year period preceding the reply.

Part 3: Other oversight institutions

Other state institutions established to oversee the activities of the executive branch can help parliaments to fulfil their own oversight mandates. Offices of ombudspersons, which work to protect human rights, specialized ombudspersons for ethnic issues or gender equality, and supreme audit institutions, which work to improve the cost-effectiveness of administrations, are particularly important because they are generally considered to be independent of political influence. Both types of body cooperate with parliaments, usually through a specialized parliamentary committee, but also through other permanent committees.

3.1 Ombudspersons

3.1.1 The office of ombudspersons

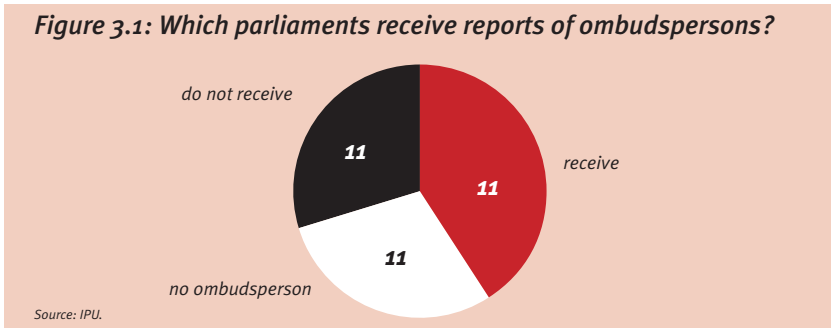
An ombudsperson is a person who heads a constitutional or statutory public institution that handles complaints from the public regarding the decisions, actions or omissions of the public administration. The office can be called the ombudsman, mediator, parliamentary commissioner, people's defender, inspector-general or a similar title. The key feature of the office is its independence from the government.

Sixty-two of the 88 countries have some kind of ombudsperson institution. Many of them have replicated Sweden's well-known parliamentary ombudsman system. In 10 countries, however, the ombudsperson is accountable to the executive, not parliament.

3.1.2 Relations with parliament

Appointment (and dismissal)

In the parliamentary ombudsman model, ombudspersons are appointed by parliament. Half of these 62 parliaments fit this model. In the remaining 31, parliament is not involved in the appointment. The extent of parliament's involvement in the appointment process varies from country to country. Many approve a nomination that is made by other bodies. In some parliaments, a specialized committee on ombudspersons is involved in the process.

Figure 3.1: Which parliaments receive reports of ombudspersons?

The work of the ombudsperson

Thirty-six parliaments receive reports from the ombudsperson at least once a year. Parliament can establish a specialized committee that examines the ombudsperson's reports. Thirteen of the 88 parliaments surveyed have such a committee, many of which conduct investigations at their own initiative.

Since the key feature of the office of the ombudsperson is its independence from political influence, parliament normally does not give specific instructions to the ombudsperson. In most cases, the office of the ombudsperson is open to submissions from the general public. The ombudsperson examines cases submitted by the public and decides which themes to focus on.

Parliament can, however, provide inputs into the work of the ombudsperson in several ways. Petitions submitted to parliament can be transferred to the office of the ombudsperson. In a few countries, including the United Kingdom, citizens' complaints must first be processed by parliament before they are forwarded to the ombudsperson. In France, citizens may appeal to delegates of the ombudsperson before they bring their cases to parliament, but the ombudsperson handles only those cases that are mediated through parliament. In parliaments where there is a specialized committee on ombudspersons, that committee can establish guiding principles for how the ombudsperson conducts his/her work.

Box 3.1: The Swedish Parliament's Committee on the Constitution

In the Swedish Parliament, the Committee on the Constitution maintains a close relationship with the parliamentary ombudspersons. The parliament elects four ombudspersons to supervise the application of laws and other statutes in the public service. The Committee on the Constitution examines reports from the ombudspersons and confers with a parliamentary ombudsperson on working procedures and other organizational matters. The committee appraises nominated ombudspersons and deputy ombudspersons and recommends when an ombudsperson should be removed from

office. The same committee also appraises the three auditors-general who direct the National Audit Office. It also has the authority to recommend the removal of an auditor-general from office.

Source: IPU, PARLINE module on Parliamentary oversight; Sweden, Instrument of Government, Chapter 12, articles 6 and 7; and Sweden, Riksdag Act, Chapter 8, articles 11 and 13.

3.1.3 Specialized ombudspersons

The armed forces

Since the functioning of the armed forces is based on the principle of obedience, there can be a conflict between the freedoms and rights of individual soldiers and the special demands made on them by their superiors. The German Bundestag appoints a commissioner for the armed forces, although it does not have a general parliamentary ombudsperson.

Box 3.2: The parliamentary commissioner for the armed forces in the German Bundestag

The parliamentary commissioner for the armed forces is elected by the Bundestag in a secret ballot. He/she is mandated to safeguard the basic rights of members of the armed forces and to assist the Bundestag in exercising parliamentary control. The parliamentary commissioner is required to submit an annual report to the Bundestag. The president of the Bundestag refers the report to the Defence Committee, which in turn drafts a report and recommendation for a decision. Both reports become the subject of a public parliamentary debate. During the debate, the parliamentary commissioner is allowed to speak if asked to do so by one of the parliamentary groups or by at least 5 per cent of the members of the Bundestag.

Source: IPU, PARLINE module on Parliamentary oversight; and German Bundestag, Rules of Procedure, articles 113-115.

Ethnic issues

Hungary has an ombudsperson for the rights of national and ethnic minorities in addition to an ombudsperson for civil rights. The ombudsperson for the rights of national and ethnic minorities is responsible for investigating or initiating the investigation of cases involving the infringement of the rights of national or ethnic minorities and initiating general or specific measures for redress.

Gender equality

The office of ombudspersons can be created to promote the protection of rights of women. Sweden has an equal opportunities ombudsman who is appointed by the government and is charged with ensuring compliance with the provisions of the Equal Opportunities Act. At least once in every parliament the equal opportunities ombudsman gives oral information to the Committee on the Labour Market of the Swedish Parliament, which has special responsi-

bility for dealing with issues relating to equality between women and men in working life. When government bills regarding the activities of the equal opportunities ombudsman are being considered, representatives of the ombudsman are summoned to give information to the committee. In addition, the equal opportunities ombudsman has participated in public hearings arranged by the committee.²⁹

3.2 Supreme audit institutions

3.2.1 The offices of supreme audit institutions

A supreme audit institution (SAI) can also help parliament to oversee the executive. The institution is headed either by a public auditor (e.g. the auditor-general) or by a collegial body (Court of Auditors is the most common title for this type of body in Continental Europe). In some countries in Africa, the accounting chamber of the Supreme Court fulfils this function. The office is usually independent of parliament, but in four countries it is a body of parliament or a body subordinate to parliament, for example, in Poland.

There are two types of audit which the SAI conducts – financial audits and value-for-money audits.

Financial audits

Financial audits show whether public money has been spent in conformity with the rules on accounting and the approved budget.

The basic task of the SAI is to verify the records of expenditure kept by the government and to certify that there has been no serious misstatement. The SAI also has a duty to confirm that the transactions in the accounts have been made within the scope of the annual budget authorized by parliament.

If the SAI identifies material errors in statements or irregularities, it issues a qualified opinion expressing general approval of the state account except for irregularities and pointing out material errors. The SAI can include the result of its investigation into irregularities in its report to parliament.

Value-for-money audits

Value-for-money audits show whether public money has been spent economically, efficiently and effectively.

²² IPU, PARLINE module on Parliamentary bodies dealing with gender equality; and Swedish Equal Opportunities Ombudsman website, <http://www.jamombud.se>.

Box 3.3: The three E's in value-for-money audits

Economy (spending less)

Economy measures the cost of consumption against the value of production and indicates whether the right price was paid for necessary goods and services. Applying the standard of economy can help in identifying instances of corruption.

Efficiency (spending well)

Efficiency demonstrates a positive relationship between the goods and services produced by a programme or an activity and the resources used to produce them.

Effectiveness (spending wisely)

Effectiveness is the extent to which programmes achieve the intended objectives or expected outcomes. Goods or services may be provided economically and efficiently, but if they do not achieve their intended objectives, the resources used to obtain them may have been wasted.

Source: British National Audit Office website, The Role of the National Audit Office, <http://www.nao.org.uk/about/role.htm>; and "Performance Information in the Budget Process: Results of the OECD 2005 Questionnaire, Glossary", OECD Journal on Budgeting, Vol. 5, No. 2, 2005.

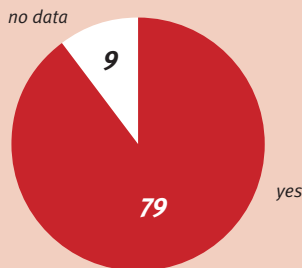
3.2.2 Relations with parliament

Appointments

Twenty-five of the parliaments surveyed choose the auditor-general or members of the Court of Auditors. Another 14 approve the candidate nominated by the government or the office. In Brazil and Chad, some members are chosen by parliament and others are nominated by the government. In nine parliaments, the office is entirely independent of both the executive and the legislative branches of government, and neither the government nor parliament is involved in nominating the occupant of the post.

Reports

Figure 3.2: Which parliaments receive reports from Supreme Audit Institutions?



Source: IPU.

Seventy-nine of the 88 parliaments surveyed receive reports from the SAI. Nine parliaments receive them through the government. Nineteen governments submit audited financial statements accompanied by the public auditors' opin-

ion. In eight countries, the SAI submits the report directly to parliament and parliament does not receive anything from the executive branch.

Special reports of the supreme audit institutions

In addition to formulating annual reports on accounts, the SAI is allowed (or required) to submit reports on issues that it encounters during the auditing process. Such reports can be submitted frequently. In the United Kingdom, for example, as many as 60 such reports were issued in 2004. The list includes *Ministry of Defence: Major projects report 2004*, *The rapid procurement of capability to support operations*, *Battlefield helicopters* and *The management of defence research and technology*.³⁰

Parliament can also demand special audits. In Austria, the National Council may, upon a private member's motion, decide to ask the Court of Audit to carry out audits of special aspects of the administration of public funds. Such audits shall be carried out without a decision of the National Council if a motion is tabled under Section 26 of the rules of procedure and seconded in writing by at least 20 members and if it involves a question about the federal administration of public funds that falls within the jurisdiction of the Court of Audit.³¹

³⁰ United Kingdom National Audit Office website, List of Value for Money Reports, http://www.nao.org.uk/publications/nao_reports/chronindex.asp?type=vfm.

³¹ Austrian National Council, Rules of Procedure, section 99.

Annex

Glossary

Note: * = See the entry under this term in this glossary.

Address in reply

A parliamentary address in response to the speech from the head of state.

Ad hoc committees

Committees established to meet temporary needs. See also Permanent committees.

Adjournment

The termination of a parliamentary sitting. Adjournment debates take place during a short period prior to the chair's announcement of adjournment.

Appropriations

The withdrawal of public money from the total tax receipts that fund all government expenditure and the allocation of money to units of expenditures.

Audit

The examination of and the resulting report on accounts relating to the use of funds. An internal audit is conducted by the institution concerned; an external audit is conducted by a supreme audit institution. The word usually refers to a financial audit – the examination and verification of government accounts. Supreme audit institutions can also conduct performance audits. See also Value for money, Supreme audit institution.

Auditor (-) general

See Supreme audit institution.

Bicameral parliament

A legislative body composed of two chambers or houses. A legislative body comprising a single chamber is called a unicameral parliament.

Budget

The government's programme of collecting revenues (taxes, excise, etc.), spending public money, and lending or borrowing money for a specified fiscal year. A draft budget contains both aggregate figures and appropriations* for the administration of programmes. In many countries, the government's draft budget is in the form of a budget bill(s). In Commonwealth parliaments, the budget is composed of different types of documents, and parliament approves Appropriations that appear in Estimates*.

Censure (motion of)

A parliamentary procedure to formally condemn the government or its members for some positions they hold or for a lack of action for which they are responsible. It is not always synonymous with withdrawal of confidence.

Committee (parliamentary)

A parliamentary body that is appointed by one chamber (or both, in the case of joint committees* in a bicameral parliament*) to undertake certain specified tasks and is subordinate to the parent chamber. The parent chamber either refers matters to committees or empowers the latter to choose issues to examine. Committees can be either permanent or ad hoc. See also Permanent committees, Ad hoc committees.

Debate

An exchange of speeches that is intended to help members of parliament reach an informed, collective decision on a subject. Votes are often held to conclude a debate. These may involve passing a proposal or simply registering opinions on a subject. See also Questions.

Estimates

Programmes of appropriations for each budgetary unit that are usually prepared by each department of the government. After the approval of the main estimate for the year, supplementary estimates are used to modify the authorized figures.

Hearings

Procedures used by parliamentary bodies to obtain oral information from persons outside the bodies concerned. Hearings can be either consultative or evidence-taking sessions.

Impeachment

A parliamentary procedure through which members of the state organs are accused of misconduct in office. Impeachment is followed by a trial that establishes a verdict, including the suspension or removal of the person(s) concerned from the office.

Internal rules

See Rules of procedure.

Interpellation

A formulated question* on the conduct of the government or its departments that often determines accountability by means of votes on motions. The procedure of interpellations differs between parliaments. It can be

launched as a single inquiry or moved as follow-up to other written or oral questions.

Joint committee

A committee that draws its membership from both chambers of a bicameral parliament*.

Minority (in parliament)

See Opposition (parliamentary).

Ombudsperson

A person, independent from the government and sometimes also independent of parliament, who heads a constitutional or statutory public institution that handles complaints from the public regarding the decisions, actions or omissions of the public administration. The office is called the ombudsman, mediator, parliamentary commissioner, people's defender, inspector-general or a similar title.

Opposition (parliamentary)

Political parties or their corresponding groups in parliament which do not participate in the government of the day. In presidential systems, the word "minority" is more frequently used.

Parliamentary system

See System of government.

Permanent committees

Committees that are established for the lifetime of the legislature according to the rules of procedure*.

Petition (to parliament)

A request from one or several members of the public to an authority for an action. The public can seek redress for personal grievances.

Presidential system

See System of government.

Qualified majority

A majority larger than a simple majority, such as three-fifths, two-thirds, three-quarters and four-fifths.

Questions

Requests made by an individual member of parliament or a group of members for information about a subject. A question can be either written or oral. See also Interpellation.

Question time

A period in the parliamentary agenda that is allocated to oral questions and the answers to them.

Rapporteurs

One or more members of a committee* who act on behalf of the committee. Rapporteurs prepare draft reports to the committee or present the committee's report to the plenary.

Regulation

A term used in constitutional texts to refer to a category of rules other than statutes enacted by parliament which have the effect of law. In the legal tradition of Continental Europe, regulation belongs to the domain of the executive, while legislation is the domain of the legislative branch.

Rules of procedure

A set of codified rules governing the organization of parliament and its procedures. Each parliament has a name to refer to these kinds of rules. "Internal rules" in French-speaking countries and Spanish-speaking countries are often enacted in the form of organic law. In Commonwealth parliaments, the term "standing orders" is used.

Semi-presidential system

See System of government.

Settlement bill

A bill submitted by the government for parliamentary approval aimed at settling the financial result of each fiscal year, and approving the differences between these and the initial Finance Act. The settlement bill incorporates the amendments by supplementary estimates to the main estimate.

Standing orders

See Rules of procedure.

Supplementary question

A question that seeks clarification or further information following the government's response to a member's question during question time*.

Supply

A term used in Commonwealth parliaments to refer to the money granted by parliament for estimates*. A supply period is the period covered by each such grant.

Supreme audit institution

A state institution that conducts external audits of the state accounts.

System of government

The way in which the state's power is distributed between the three branches of government (the legislature, the executive and the judiciary) and the way in which these branches exercise checks on the others.

In a presidential system, the president is simultaneously the head of state and the head of the executive branch, and his/her status as such does not depend on legislative support.

In a parliamentary system, the head of the executive branch leads the government which is dependent on the confidence or tolerance of the majority in the parliament. There may be a monarch or a figurehead president as head of state.

In a semi-presidential system, the elected president is the head of state and shares his/her status as the head of the executive branch with a prime minister, whose status rests on parliamentary confidence.

Unicameral (parliament)

See Bicameral parliament.

Value for money

A colloquial expression for cost-effectiveness. In a value-for-money audit, economy, efficiency and effectiveness are the three key qualities sought.

Vote of confidence

A parliamentary vote to express confidence in the government. The vote takes place either at the establishment of a new government (investiture) or during the life of the government at the government's request. See also Vote of no confidence.

Vote of no confidence

A parliamentary vote to withdraw confidence from the government as a whole or from one of its members. See also Vote of confidence.

Parliaments surveyed

The 88 parliaments which responded to the IPU/WBI questionnaire:

<i>Parliament</i>	<i>Regime type</i>	<i>Parliament</i>	<i>Regime type</i>
<i>Andorra</i>	<i>uni parliamentary</i>	<i>Lithuania</i>	<i>uni parliamentary</i>
<i>Angola</i>	<i>uni semi-presidential</i>	<i>Luxembourg</i>	<i>uni parliamentary</i>
<i>Armenia</i>	<i>uni semi-presidential</i>	<i>Madagascar</i>	<i>bi semi-presidential</i>
<i>Australia</i>	<i>bi parliamentary</i>	<i>Mali</i>	<i>uni semi-presidential</i>
<i>Austria</i>	<i>bi parliamentary</i>	<i>Mexico</i>	<i>bi presidential</i>
<i>Azerbaijan</i>	<i>uni presidential</i>	<i>Monaco</i>	<i>uni parliamentary</i>
<i>Belarus</i>	<i>bi presidential</i>	<i>Mongolia</i>	<i>uni parliamentary</i>
<i>Belgium</i>	<i>bi parliamentary</i>	<i>Mozambique</i>	<i>uni presidential</i>
<i>Benin</i>	<i>uni presidential</i>	<i>Namibia</i>	<i>bi presidential</i>
<i>Brazil</i>	<i>bi presidential</i>	<i>Netherlands</i>	<i>bi parliamentary</i>
<i>Bulgaria</i>	<i>uni parliamentary</i>	<i>Nicaragua</i>	<i>uni presidential</i>
<i>Cameroon</i>	<i>uni semi-presidential</i>	<i>Niger</i>	<i>uni semi-presidential</i>
<i>Canada</i>	<i>bi parliamentary</i>	<i>Pakistan</i>	<i>bi presidential</i>
<i>Central African Republic</i>	<i>uni semi-presidential</i>	<i>Palau</i>	<i>bi presidential</i>
<i>Chad</i>	<i>uni presidential</i>	<i>Philippines</i>	<i>bi presidential</i>
<i>China</i>	<i>uni others</i>	<i>Poland</i>	<i>bi parliamentary</i>
<i>Congo, Republic of the</i>	<i>bi presidential</i>	<i>Republic of Korea</i>	<i>uni presidential</i>
<i>Costa Rica</i>	<i>uni presidential</i>	<i>Romania</i>	<i>bi semi-presidential</i>
<i>Côte d'Ivoire</i>	<i>uni presidential</i>	<i>Russian Federation</i>	<i>bi semi-presidential</i>
<i>Croatia</i>	<i>uni parliamentary</i>	<i>Rwanda</i>	<i>bi semi-presidential</i>
<i>Cyprus</i>	<i>uni presidential</i>	<i>Samoa</i>	<i>uni parliamentary</i>
<i>Czech Republic</i>	<i>bi parliamentary</i>	<i>Senegal</i>	<i>uni semi-presidential</i>
<i>Democratic Republic of the Congo</i>	<i>bi semi-presidential</i>	<i>Serbia and Montenegro*</i>	<i>uni semi-presidential</i>
<i>Denmark</i>	<i>uni parliamentary</i>	<i>Singapore</i>	<i>uni parliamentary</i>
<i>Estonia</i>	<i>uni parliamentary</i>	<i>Slovakia</i>	<i>uni parliamentary</i>
<i>France</i>	<i>bi semi-presidential</i>	<i>Slovenia</i>	<i>bi parliamentary</i>
<i>Gabon</i>	<i>bi semi-presidential</i>	<i>South Africa</i>	<i>bi parliamentary</i>
<i>Germany</i>	<i>bi parliamentary</i>	<i>Spain</i>	<i>bi parliamentary</i>
<i>Greece</i>	<i>uni parliamentary</i>	<i>Sudan</i>	<i>bi presidential</i>
<i>Guatemala</i>	<i>uni presidential</i>	<i>Sweden</i>	<i>uni parliamentary</i>
<i>Guinea</i>	<i>uni presidential</i>	<i>Switzerland</i>	<i>bi others</i>
<i>Guinea-Bissau</i>	<i>uni semi-presidential</i>	<i>Tajikistan</i>	<i>bi presidential</i>
<i>Hungary</i>	<i>uni parliamentary</i>	<i>Thailand</i>	<i>bi parliamentary</i>
<i>Iceland</i>	<i>uni parliamentary</i>	<i>The Former Yugoslav Republic of Macedonia</i>	<i>uni parliamentary</i>
<i>Indonesia</i>	<i>uni presidential</i>	<i>Togo</i>	<i>uni semi-presidential</i>
<i>Ireland</i>	<i>bi parliamentary</i>	<i>Tunisia</i>	<i>bi presidential</i>
<i>Islamic Republic of Iran</i>	<i>uni presidential</i>	<i>Turkey</i>	<i>uni parliamentary</i>
<i>Jamaica</i>	<i>bi parliamentary</i>	<i>Uganda</i>	<i>uni presidential</i>
<i>Japan</i>	<i>bi parliamentary</i>	<i>Ukraine</i>	<i>uni semi-presidential</i>
<i>Jordan</i>	<i>bi parliamentary</i>	<i>United Kingdom</i>	<i>bi parliamentary</i>
<i>Kazakhstan</i>	<i>bi presidential</i>	<i>Uruguay</i>	<i>bi presidential</i>
<i>Latvia</i>	<i>uni parliamentary</i>	<i>Yemen</i>	<i>bi semi-presidential</i>
<i>Lesotho</i>	<i>bi parliamentary</i>	<i>Zambia</i>	<i>uni presidential</i>
<i>Liechtenstein</i>	<i>uni parliamentary</i>	<i>Zimbabwe</i>	<i>uni** presidential</i>

Note: uni = unicameral parliament (single chamber); bi = bicameral parliament (two chambers).

* Montenegro became independent from the State Union of Serbia and Montenegro in 2006.

**During the period covered in this study, the Zimbabwean parliament was unicameral. The Senate was reinstated in 2005.