

# STRENGTHENING PARLIAMENTARY OVERSIGHT

Key findings and recommendations from  
multi-country assessments

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## **Strengthening parliamentary oversight**

Key findings and recommendations from multi-country assessments

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# EXECUTIVE SUMMARY

Oversight is a core function of parliament, along with law making and representation. It entails how parliaments hold the executive branch of government to account on behalf of the people. Strong parliamentary oversight is essential to democracy and plays an important role in anti-corruption. Through rigorous checks on the executive's actions, including investigating and holding government officials to account for abuses of power, such as corruption and human rights violations, strong parliamentary oversight can improve the quality of government to the benefit of the public.

For parliaments to effectively hold governments to account, key requirements include a strong legal mandate with clearly defined oversight powers, as well as conscientious members of parliament who make good use of those powers in practice.

This report provides a summary of key findings from our recent assessment of the strength of oversight mandate, practice and impact of parliaments in Armenia, Cambodia, Colombia, The Gambia, Guatemala, Jamaica, Kenya, Panama, Zambia and Zimbabwe. The findings are based on the pilot implementation of a [parliamentary oversight assessment tool](#), developed by Transparency International under the EU-funded [Strengthening Accountability Networks among Civil Society](#) project.

The strength of oversight mandate, practice and impact was assessed across the following six pillars:

1. oversight as a priority for parliament
2. oversight powers and tools of parliament
3. oversight opportunities for opposition and independent members of parliament (MPs)
4. financial oversight
5. post-legislative scrutiny
6. relations with other stakeholders to conduct oversight

Evidence was collected through a combination of desk research, as well as expert and key informant interviews, focus groups and, in some instances, freedom of information requests.

## Summary of key findings

Our research reveals that in the context of this pilot study, most of the examined parliaments have robust legal mandates to carry out their oversight functions in five key areas, with the exception of post-legislative scrutiny. This mandate is articulated in national constitutions as a function of parliament. There are also legal measures that provide parliamentarians with various oversight tools and mechanisms, such as oral and written questions, summons, setting up special or investigatory parliamentary committees, censure, votes of no confidence and impeachment. The assessed parliaments also have powers to oversee the governments' financial activities, with some countries having powers to oversee public debt management by government.

The most notable weakness is in the area of post-legislative scrutiny, as most assessed parliaments do not have explicit legal powers or obligations to review the implementation of laws that have been passed.

Despite the relatively strong legal basis for parliamentary oversight, we found that parliamentarians in most of the countries assessed do not make effective use of their powers to hold the executive branch to account. Some factors affecting oversight in practice include a lack of prioritisation of oversight by political parties, leading to most parliamentarians, especially from the governing party, being forced to follow the party line when conducting oversight activities. In addition, independent MPs and those from opposition parties are rarely afforded adequate opportunities to influence oversight processes and are sometimes blocked by majority party MPs from exercising oversight powers.

Our findings also indicate that parliamentarians lack oversight capacities to effectively hold governments to account. Parliaments and political parties do not invest in capacity development programmes designed to equip MPs with the dedicated knowledge and skills to conduct oversight. The majority of parliaments fail to conduct periodic reviews of their oversight mandate and performance. This hinders their ability to identify areas of weak or underperforming oversight and devise strategies for improvement.

In addition, there is also a lack of public awareness and engagement in oversight activities. This has limited parliaments' abilities to draw on the breadth and depth of information from non-state stakeholders, including civil society organisations (CSOs) and vulnerable groups. Such consultation could help parliaments conduct oversight in an inclusive and responsive manner in line with people's needs and expectations.

## Key recommendations

The report proposes the following key recommendations to strengthen parliamentary oversight.

### **1. Parliaments and political party leadership should protect MPs from political party discipline or legal actions when performing oversight activities. Specifically, it is recommended that:**

- Parliaments should establish and enhance legal measures that protect the privileges and functional immunity of parliamentarians from political party discipline or legal actions in exercising their oversight function.
- Political party leadership should enshrine parliamentary oversight as a legitimate and effective tool of policy competition in their charter, code of ethics or manifesto, and make commitments to create an enabling environment that balances political party interests with the public interest in holding government to account.

### **2. Parliaments should put in place mechanisms, preferably at the committee level, for monitoring and following up on oversight actions and recommendations for governments. Additionally:**

- Committees should follow up on parliamentary oversight and recommendations to government made by a previous parliament. Such a systematic approach helps to document who in government is failing to respond to oversight actions rather than relying solely on the bilateral initiatives of individual MPs. It also signals that parliament is serious about following up on holding government to account.

### **3. Parliaments should establish and impose measures that effectively compel government officials to respond to oversight actions. Additionally:**

- Where applicable, an offence of contempt of parliament should be legally established and imposed for cases of unjustified, repetitive refusal by summoned officials to appear before parliament or giving false information.

### **4. Parliaments should enhance opportunities for opposition and independent MPs to influence oversight. Specifically, it is recommended that:**

- Parliaments should amend parliamentary rules to guarantee that key committees with prominent financial oversight functions are proportionately chaired by opposition or independent MPs. This will allow opposition and independent MPs, as committee leaders, to play an important role in influencing and overseeing government policies and programmes.
- Parliaments should lower the threshold for approving the creation of a special committee to ensure that opposition and independent MPs stand a chance of instituting special committees without over-reliance on ruling party MPs.
- Parliaments should establish measures that guarantee opposition and independent MPs, individually or on committees, special powers such as allocated time to speak or ask questions, to initiate and participate in debates and to attach minority reports.

**5. Parliaments should foster and enhance relations with other stakeholders to conduct oversight. Specifically, it is recommended that:**

- Parliaments should ensure public access to oversight proceedings and information, and invite civil society stakeholders and affected stakeholders to provide evidence or engage with parliament on oversight activities. This should be reinforced in strategic priorities and measurable public engagement strategies aimed at increasing public engagement in parliamentary oversight activities.
- Parliaments should codify engagements with other oversight institutions (supreme audit institutions, ombuds offices, anti-corruption agencies, human rights commissions, etc.) to foster collaboration in oversight activities. In addition, relevant parliamentary committees should scrutinise reports by those oversight stakeholders in a timely manner and parliaments should act upon their findings and recommendations with the executive.

**6. Parliaments should establish and impose measures that ensure parliamentarians do not abuse their oversight powers. Specifically, it is recommended that:**

- There should be codes of conduct which require parliamentarians to conduct their oversight activities in a transparent manner, avoid conflicts of interest when performing oversight activities and to act in the best interest for the common good.

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# INTRODUCTION

Strengthening parliamentary oversight is important both to enhance democratic accountability and tackle government corruption. This is particularly crucial given the trend of democratic backsliding, which has seen the executive branch centralising power in many countries.

Parliamentary oversight is defined as “the means by which parliament and parliamentarians, on behalf of the people, hold the government to account between elections”.<sup>1</sup> It is one of the three main functions of parliaments, along with law making and representation. Through oversight, parliaments assert the system of checks and balances on the executive branch and see to it that government policies and actions are both efficient and commensurate with the needs of the public.<sup>2</sup>

Oversight improves accountability through rigorous scrutiny and monitoring of government actions.<sup>3</sup> It also ensures that government officials are held to account and face consequences for abuses of power, including human rights violations and corruption. Strong oversight also improves effective resource allocation and expenditure, ensuring value for money in financial planning and expenditure by government.<sup>4</sup>

Through oversight, parliaments can also keep track of progress towards major policy objectives, such as gender equality and achieving the Sustainable Development Goals.<sup>5</sup> Additionally, strong parliamentary oversight can improve economic and human development by reviewing and modifying laws and policies to ensure that they serve the public interest.<sup>6</sup>

As summarised in the *Global Parliamentary Report 2017* by the Inter-Parliamentary Union (IPU) and the United Nations Development Programme (UNDP), “Oversight is a key marker of parliament’s relevance in the 21st century. ... By holding government to account, identifying problems and seeking corrective measures in legislation, budget allocations, policy and administration, parliament provides a vital service to society”.

The anti-corruption movement also stands to gain from strong parliamentary oversight.<sup>7</sup> For example, effective use of oversight powers by parliamentarians and parliamentary committees may lead to investigations into corruption scandals or the summoning of government officials implicated in corruption allegations to explain their behaviour. Parliamentarians can also invoke their powers to lift immunity for high-level officials suspected of corruption or publicly rebuke corruption scandals implicating senior government officials through impeachment or votes of no confidence, where parliaments are endowed with such powers by the constitution.<sup>8</sup>

As such, strengthening parliamentary oversight is important both to enhance democratic accountability and tackle corruption. This is particularly crucial given the trend of democratic backsliding, which has seen the executive branch centralising power in many countries.<sup>9</sup> Particularly considering that during the early stages of the global COVID-19 pandemic, many parliaments granted their executive branches sweeping powers to prioritise speedy responses to the crisis with limited parliamentary oversight, which also exacerbated the consolidation of power by executives.<sup>10</sup> This undermined the ability of parliaments to hold government to account, and restoring the balance of power is crucial.

The ongoing and worrying trend of democratic backsliding, which worsened during the COVID-19 pandemic, underscores the need, more than ever, to strengthen parliamentary oversight in order to effectively hold the executive to account.

## ABOUT THE ASSESSMENT TOOL

Transparency International, through the EU-funded Strengthening Accountability Networks among Civil Society (SANCUS) project, recently developed a [parliamentary oversight assessment tool](#) to assess the strength of parliamentary oversight mandates, practices and impacts. The strength of parliamentary oversight is assessed across the following six pillars:

1. **Oversight as a priority for parliament.** The questions under this pillar seek to evaluate whether parliamentary oversight has been established as one of parliaments' main priorities in law and practice, as well as the impact of such prioritisation.
2. **Oversight powers and tools of parliament.** Effective oversight requires that parliaments and parliamentarians have the legal powers and tools to oversee government activities and ensure there are checks and balances against the executive. This pillar contains questions on the availability of such oversight powers and tools, their use in practice and the impact of such use.
3. **Oversight opportunities for opposition and independent MPs.** The questions under this pillar assess the extent to which oversight opportunities are available to minority or opposition MPs in law and practice, as well as the impact of such opportunities.
4. **Financial oversight.** The questions under this pillar seek to understand the strength of parliamentary oversight mandates, practices and impacts on public finances, including debt arrangements.

5. **Post-legislative scrutiny.** Another important dimension within the oversight function of parliament is monitoring laws that have been passed (post-legislative scrutiny). The questions seek to evaluate the legal mandates, practices and impacts of parliaments in scrutinising laws that have been passed.
6. **Relations with other stakeholders to conduct oversight.** Parliament is one of many oversight stakeholders within society. Effective oversight requires parliament to work closely with other bodies, which include audit institutions, national human rights bodies, ombuds offices and civil society organisations. The questions under this pillar seek to understand the relationship between parliaments and other public institutions, CSOs and the public related to oversight activities.

Evidence was collected through a combination of desk research along with expert and key informant interviews, focus groups and, in some instances, freedom of information (FOI) requests. Desk research was the main method used to gather evidence for questions on legal mandates across the six pillars. It included extensive analysis of relevant legal frameworks, such as constitutions, national laws and parliamentary rules of procedures, also known as standing orders or rules of order. In addition, relevant literature, such as parliamentary standards and other official documents, academic and non-academic studies, newspaper articles and other credible sources of information, was reviewed as part of answering the questions on practice and impact.

Evidence on practice and impact was also gathered through interviews and focus group discussions with members of parliament, parliamentary staff, officials from independent institutions, academic experts, practitioners of parliamentary development and civil society organisations with experience monitoring parliamentary activities. This mixed-method data collection approach allowed researchers to gather, compare and verify evidence from different sources. Findings from the assessments included in this report also went through a round of expert reviews at national and international levels.



## ABOUT THE REPORT

This report summarises key findings from pilot assessments in 10 countries: Armenia, Cambodia, Colombia, The Gambia, Guatemala, Jamaica, Kenya, Panama, Zambia and Zimbabwe. For Cambodia, Jamaica and Zambia, the report only covers findings on oversight mandate and powers, as findings on practice and impact were incomplete for these countries at the time of writing.

The next section provides an overview of common trends from the findings looking at oversight mandates and powers, as well as oversight in practice. First, it analyses the main findings on the strength of the

legal mandate and powers, such as oral and written questions, summons, setting up ad hoc committees, censure, impeachment, vote of no confidence and approval of appointments for independent institutions.

The report proceeds with an analysis of common findings on the strength of parliamentary oversight in practice and identifies common factors affecting oversight in practice in the assessed countries. Lastly, a series of recommendations are made on how parliamentarians can strengthen their oversight roles in terms of their legal mandate, practice and impact.





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# KEY FINDINGS: COMMON TRENDS AND CHALLENGES

Our findings indicate that while most of the assessed parliaments have relatively strong legal mandates and powers to perform oversight, most do not make effective use of these oversight powers in practice.

## OVERSIGHT MANDATES AND POWERS

For parliaments to hold governments to account, there is a need for legal mandates and powers to be in place to make it possible.<sup>11</sup> The legal mandate defines the powers of parliament to hold the executive to account and is usually provided in the constitution. Detailed and clear procedures on the availability and use of oversight tools and mechanisms are then provided in other statutory sources, as well as parliamentary rules of procedure.<sup>12</sup>

Our findings indicate that most assessed parliaments have relatively strong legal mandates and powers to hold governments to account. Oversight is articulated in most constitutions as a function of parliament, and there are legal measures that provide extensive opportunities for and detailed guidance on various oversight tools and mechanisms available to parliamentarians.

Table 1 shows the availability of diverse oversight tools, such as oral and written questions, summoning officials, special or investigatory parliamentary committees, censure, votes of no confidence or impeachment of the executive in the countries covered in this report.

### Oral and written questions

As shown in the Table 1, the most popular oversight powers, with more uniformity in terms of strength across assessed countries, are written and oral questions. Parliamentarians in all 10 countries have

the power to put oral and written questions to the executive. There are also specific requirements for members of the executive to answer written questions within a certain timeframe, though this varies from one country to another. For example, the deadline for government officials to answer written questions by parliamentarians in **Armenia** is three weeks,<sup>13</sup> whereas it is seven days in **Cambodia**.<sup>14</sup>

### Kenya: Recent introduction of “question times” for cabinet secretaries in the National Assembly

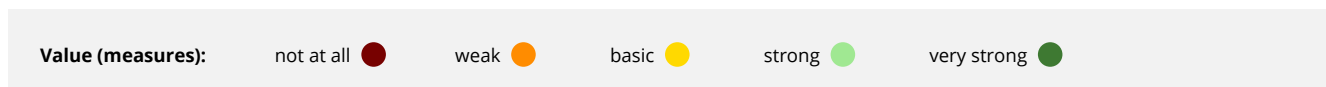
In August 2022, then president-elect William Ruto announced that, to enhance accountability of the executive to parliament, his government would ask parliament to amend standing orders to require cabinet secretaries to appear before parliament and answer questions.<sup>15</sup> Compared to summons, where cabinet members infrequently appear before parliament, question times would allow frequent interactions between parliamentarians and cabinet secretaries with specific times allocated periodically.

In March 2023, the National Assembly amended the standing orders to include a provision that requires cabinet secretaries to appear every Wednesday afternoon before the House and answer questions, “with no room for delegation of their duties.” MPs would also be allowed to put two supplementary questions to an attending cabinet secretary on the day it is scheduled in the order paper.<sup>16</sup>



**Table 1: Legal powers to perform oversight**

	1. Oral Questions	2. Written Questions	3. Summons	4. Special Ad Hoc Committees	5. Censure	6. Votes Of No Confidence Or Impeachment	7. Approval Of Appointments To Independent Institutions	8. Post-Legislative Scrutiny
Armenia	●	●	●	●	●	●	●	●
Cambodia	●	●	●	●	●	●	●	●
Colombia	●	●	●	●	●	●	●	●
The Gambia	●	●	●	●	●	●	●	●
Guatemala	●	●	●	●	●	●	●	●
Jamaica	●	●	●	●	●	●	●	●
Kenya	●	●	●	●	●	●	●	●
Panama	●	●	●	●	●	●	●	●
Zambia	●	●	●	●	●	●	●	●
Zimbabwe	●	●	●	●	●	●	●	●



- Oral questions** refer to queries by parliamentarians to members of the executive. Specific times, known as question times or prime minister’s hour, are usually allocated for parliamentarians to put oral questions to an elected government official.
- Written questions** are usually provided and shared in advance by parliamentarians, with the expectation of a more detailed response from the government.
- Parliamentary summons** refers to calling witnesses or other persons to the house or committees.
- Special ad hoc committees** are set up whenever there is a need to investigate a specific issue. Once the investigations are complete and a final report submitted to parliament, the special committee is dissolved.
- Censure** is a form of disapproval by parliamentarians in response to a government action, policy or conduct.
- Vote of no confidence or impeachment** are forms of political sanctions by parliament leading to the removal of a government officials or whole government.
- Approval of appointments to independent institutions** is the process through which the parliament evaluates and gives its consent to individuals nominated by the executive branch to fill positions in independent state institutions.
- Post-legislative scrutiny** is a parliamentary oversight tool that evaluates the implementation of passed laws and determines whether and to what extent the laws are meeting the expected outcomes.

## Summons

All assessed countries also have powers to summon government officials, but with varying degrees of strength. For example, in **Cambodia**, though there are basic provisions on summons in chambers or parliamentary committees, it is not clear what are the consequences if government officials fail to attend or give false information.<sup>17</sup> This lack of clear sanctions provides loopholes or ambiguities for MPs who might not understand which powers are at their disposal if the summoned officials do not attend.

In **Guatemala**, there are clear legal provisions on the procedure for summoning government officials and any summoned person who, without just cause, does not attend on more than three consecutive occasions will face criminal sanctions. In addition, ministers cannot excuse themselves from attending or responding to summons, except if, when summoned, they are absent from the country or suffering from health problems that justify their absence.<sup>18</sup>

## Special ad hoc committees

Table 1 also shows that all assessed parliaments have the power to establish a special committee of inquiry, and there are clear procedures for it, though with varying strength, particularly on requirements for proportional representation. In **Panama**, for example, there are specific provisions that require proportional representation on all permanent and special committees of the National Assembly.<sup>19</sup>

The legal provisions in some countries, such as **The Gambia**,<sup>20</sup> do not explicitly require proportional representation of political parties on committees. This may be subject to abuse by majority-party MPs, who may block opposition or independent MPs from participating in special inquiries, particularly on politically sensitive topics.

## Censure, votes of no confidence and impeachment

Censure, votes of no confidence and impeachment are tools of disapproval by parliament against government action. As Table 1 shows, there are similarities on the availability and “strength of oversight tools”. All assessed countries, except **Panama**, have powers to censure government action, policy or conduct. All assessed countries, except **Guatemala**, have provided parliaments with powers to raise motions and call for a vote of no confidence or impeachment against an executive member.

## Approval of appointments to independent institutions

As indicated in Table 1, one of the least popular and weakest oversight powers in the assessed parliaments is the approval of candidates appointed to independent institutions. Parliamentary approval is crucial to ensure unbiased and transparent appointment processes, and that the right candidates are appointed to independent bodies, who will not be subject to inappropriate conflict of interest, particularly from the executive or political parties.<sup>21</sup>

When parliaments lack approval powers, the executive may appoint political proxies to institutions meant to exercise oversight on the government, thereby compromising their objectivity and undermining their independence. The following examples illustrate how this may happen.

The National Assembly in **Zimbabwe** only has the power to interview candidates for the independent institutions before sending a shortlist to the president, who then appoints their preferred candidate(s).<sup>22</sup> Expert interviews indicated that this is a weakness in the legal framework, as it ‘gives power to the president to appoint their preferred candidates with no significant oversight from parliament. For example, in the past, this has led to controversial appointments, such as of the daughter of a former vice president and current deputy leader of the ruling party, ZANU PF, to the Zimbabwe Electoral Commission.’<sup>23</sup>

In **The Gambia**, the president appoints the Auditor General after consulting with the Public Service Commission.<sup>24</sup> This poses a threat to the independence of the Auditor General, who may risk being captured

by the executive, for example, in exchange for staying longer in the position. Even in its strategic plan for 2020-2024, the National Audit Office highlighted this as an emerging risk: “The appointment of AG by the President instead of the National Assembly could compromise his independence, especially if the person calculates short-term benefits of continuous occupancy of the office over long-term national interests.”<sup>25</sup>

## Post-legislative scrutiny

Post-legislative scrutiny (PLS) is a parliamentary oversight tool to evaluate whether and to what extent the laws of a country are meeting expected outcomes.<sup>26</sup> Once in force, a law may have negative or unintended consequences – or may simply have no effect at all. Hence, for a law to be a “good” law in terms of achieving its stated purpose, it is important to revisit it to assess whether it has achieved its intended outcomes. PLS is an important tool, as it allows parliaments to conduct assessments of passed laws, including laws on key topics such as anti-corruption, gender, human rights and climate change.

PLS can also be important in states of emergency, as seen during the height of the COVID-19 pandemic, where many laws were passed to address the pandemic without robust scrutiny by parliaments. Through PLS, parliamentarians can detect any unintended consequences of emergency laws and propose revisions or annulment as needed. PLS can also explore procedural matters, thereby improving the enactment of emergency laws.<sup>27</sup>

However, as shown in Table 1, our assessment found that most of the assessed parliaments do not have specific legal mandates to conduct post-legislative scrutiny. There are weak legal frameworks requiring parliaments to scrutinise or review the implementation of laws. A few of the parliaments have the mandate to scrutinise passed laws or exercise control over the delegated legislative powers of the executive to create statutory instruments.

In **Zimbabwe**, the standing orders of parliament endow the Parliamentary Legal Committee (PLC) with the power to review existing laws and interact with the Law Development Commission (LDC) for its development.<sup>28</sup> In **Kenya**, the Committee on Delegated Legislation has a mandate to review any statutory instrument and assess whether, among other things, it violates basic rights and freedoms or appears for whatever purpose to

undermine the rule of law.<sup>29</sup> As a result, most assessed parliamentarians do not evaluate the implementation of laws. We also observed that there is lack of knowledge among parliamentarians and other stakeholders on the topic of post-legislative scrutiny, indicating the need for more training in these countries.

## Financial oversight

Financial scrutiny is an important parliamentary function, as it increases the level of control over how governments raise, plan and use public resources, with the objective of influencing governmental policies and programmes. It also ensures that financial management carried out by the government is transparent, accountable, effective and done in an efficient manner.

Our findings confirmed that all assessed parliaments have “power of the purse”, in other words, the ability to scrutinise and approve the national budget proposed by the executive. There are also dedicated parliamentary finance committees that are responsible for scrutinising the national budget and reporting back to parliament before approval. Most parliaments also approve spending of excess revenue through a supplementary budget of expenditure.

A good example of financial oversight powers is the National Assembly of **Zambia**. According to Article 202 of the Zambian Constitution (Amendment Act No 2 of 2016) as well as sections 43 and 45 of the National Planning and Budgeting Act No 1 of 2020, the National Assembly is empowered to approve the national budget proposed by the executive, including the long-term development plan, the national development plan and the medium-term budget plan.

Article 203 of the Zambian Constitution also requires the minister of finance to seek approval to spend excess revenue through a supplementary budget of expenditure. It is a requirement for the supplementary budget to be approved prior to spending. This is even the case during emergencies, such that the president issues a warrant authorising the expenditure and withdrawal from the consolidated fund, which is an account to which all revenues and other monies accruing to the government are credited. The minister of finance is required to present the warrant to the relevant parliamentary committee for approval within 48 hours of its presentation (Article 203(4)(5)(6) of the Zambian Constitution).



Despite these provisions, Article 203 (8) states that, where it is not practicable to lay an excess expenditure appropriation bill before the National Assembly, in accordance with Clause 7, the minister of finance shall lay the excess expenditure appropriation bill before the National Assembly during its first sitting after the end of the preceding financial year. This allows for the executive under these circumstances to only inform the National Assembly after the expenditure has occurred.

There are also notable weaknesses in some legal frameworks on the submission of the budget. According to international standards such as the International Monetary Fund's *Code on Fiscal Transparency*, the given timeline for the legislature to scrutinise the budget before the start of the financial year is three months for best practice, with two months as good practice and one month as the bare minimum.

In **The Gambia**, for example, Section 152 of the Constitution requires the executive to table the financial budget proposal with the National Assembly at least 30 days before the end of each fiscal year. The National Assembly is given only 14 days to consider and approve the estimates. This has resulted in less time for parliamentarians to effectively scrutinise the proposed budget before passing it. This is in contrast with **Zambia**, where the minister of finance is required to prepare and lay the budget before the National Assembly ahead of the next financial year.

In addition, all assessed parliaments have the power to scrutinise spending by the executive. They receive annual reports from the supreme audit institution. For example, in **Jamaica** the Auditor General is required to submit audit reports to the speaker of parliament, who should lay them before the House of Representatives, which then refers them to a public accounts select committee for examination and reporting.<sup>30</sup>

Another important component that we assessed was debt oversight by parliament. There is "increasing recognition of the unique roles for parliament in the governance of public debt",<sup>31</sup> with best practices moving away from the traditional approach where government incurred and managed debt arrangements without any scrutiny from parliament. Debt oversight plays an important role in preventing governments from entering into corrupt or bad debt arrangements that do not serve the public interest.

Our findings indicate that parliaments in **Armenia, The Gambia, Guatemala, Kenya, Zambia** and **Zimbabwe** have mandates to oversee debt arrangements made by the government. In **Guatemala**, for example, Article 171 of the Political Constitution of the Republic clearly states that for the executive, the central bank or any other state entity to conduct negotiations for loans or other forms of debt, within the country or abroad, prior approval from Congress will be necessary, as well as to issue bonds of all kinds. In **Zambia**, the parliament recently passed the National Debt Management Act No 15 of 2022, which gives the National Assembly the mandate to approve loans by public bodies (Section 23), public guarantees (Section 32), and annual borrowing plans (Section 8). This law aligns with Article 63 of the Zambian Constitution, which mandates the National Assembly to approve public debts before they are concluded.

## PARLIAMENTARY OVERSIGHT IN PRACTICE

While the parliaments in most of the countries in this pilot enjoy relatively strong oversight mandates and powers, our findings indicate that the effective use of these oversight powers varies in the sample of parliaments. Some parliaments make better use of specific tools and mechanisms than others.

### Oral and written questions

In **Armenia**, an analysis of the participation of MPs in oral questions reveals that some members from both ruling and opposition parties are more active than others. Out of the 67 MPs from the ruling Civil Contract Party, 22 never asked questions in the 12-month period assessed. Conversely, three active MPs – Sergey Bagratyan, Hakob Arshakyan and Zaruhi Batoyan – asked 32 per cent of the total 250 questions. Similar patterns exist in the opposition Hayastan faction, where 7 out of 29 MPs have never asked questions during sessions. Artshvik Minasyan, Tadevos Avetisyan and Gegham Nazaryan asked 50 per cent of the total 105 questions.<sup>32</sup>

Interviews with key informants and experts in **Armenia** revealed that oral questions are not always effective. Reportedly, most ruling party questions are prepared ahead of time, with the government officials already aware of the answers. Opposition party questions are ignored and debates often focus on blaming each other

for past and current issues.<sup>33</sup> Research conducted with financial support from Transparency International Anti-Corruption Center Armenia in 2022 also confirmed that the ruling party often takes advantage of this to prevent opposition MPs from asking difficult questions or to dilute questions asked by the opposition, This hinders government oversight by the National Assembly due to the tactical struggle between ruling and opposition factions.<sup>34</sup>

In some countries, cabinet members do not appear before parliament or send their deputies to attend and answer questions posed by parliament, thereby limiting their accountability. For example, in **Zimbabwe**, the Speaker of the National Assembly in 2022 complained about ministers' non-attendance to answer questions from parliament during question time. This was after eight ministers had not attended a scheduled session. As a result, the Speaker threatened to charge ministers who failed to turn up for question time.<sup>35</sup>

## Summons

Most parliaments also use their powers to summon government officials to provide information on specific issues. In some circumstances, summons have been used by parliaments in their investigations into corruption scandals. For example, in 2022, **The Gambia's** National Assembly Petition Committee initiated investigations into a corruption scandal at The Gambia Tourism Board, which implicated the tourism minister and other senior members of the board. Parliament its powers to summon the minister and other senior officials, including a former minister, to give evidence before the committee.<sup>36</sup> According to media reports, parliament sanctioned further investigations by two parliamentary committees on finance and public accounts and public enterprise, in conjunction with the National Audit Office and The Gambia Ports Authority management.<sup>37</sup> The investigations were still ongoing at the time of compiling this report.

However, our findings also showed that some members of the executive do not attend parliament when summoned. In **Panama**, parliament summoned the director of the social security fund in 2022, who did not attend, leading to a postponement of the hearings on management in the current administration. The vice president of parliament pointed out that it was the fourth time that the director of the CSS had not complied with a parliamentary call to accountability,<sup>38</sup>

but parliament did not sanction the non-attendance. In contrast, the former cabinet secretary for petroleum in **Kenya** was fined KES500,000 (approximately US\$3,400) in 2021 for failure to comply with a parliamentary summons.<sup>39</sup>

## Special ad hoc committees

When there is a national crisis, it is imperative for parliaments to dedicate committees to oversee the governments' responses to the crisis. For example, the Commonwealth Parliamentary Association's COVID-19 Toolkit suggested that parliaments create special committees or hold special inquiries to scrutinise the COVID-19 pandemic and how their government is addressing the issue.<sup>40</sup>

In **Kenya**, five commissions were mandated to oversee the executive's management of the COVID-19 pandemic. These included the Senate's Ad Hoc Committee on the COVID-19 Situation in Kenya, which scrutinised actions and measures taken by the national and county governments in addressing the crisis. The committee published several progress reports covering specific thematic areas such as health issues, as well as economic and finance issues.<sup>41</sup> The other four permanent committees were the Senate Standing Health Committee, the National Assembly's Departmental Committee on Health and the Public Investment Committee.

According to a report by the parliamentary monitoring organisation Mzalendo Trust, the ad hoc committee adopted elaborate and systematic procedures to effectively execute its mandates, including ensuring public participation by inviting the public to submit views and opinions. However, it they also faced challenges such as limited timeframes and irregular attendance at committee sittings, also faced by the Senate Standing Committee and the National Assembly Departmental Committee on Health.<sup>42</sup>

In **Guatemala**, no specific committee was formed but several permanent committees used various tools to oversee the government's response to the crisis. For example, committees which monitored the COVID-19 crisis, including the Public Health Commission and the Social Security Commission, summoned government officials on COVID-19 vaccine issues.<sup>43</sup> In 2021, Congress sent a letter to the president with specific recommendations to address the pandemic.<sup>44</sup> In

addition, several ministries – including public health and social assistance, labour and social security, economy, agriculture, livestock and food, social development, and the National Coordination for Disaster Reduction – were required to send periodic reports to parliament, which were reviewed by the deputies.<sup>45</sup>

## Financial oversight

According to our findings, all assessed parliaments scrutinised the executives' budget proposal through a specialised finance committee and approved them before the start of the fiscal year, as stipulated in the law. However, in countries like **The Gambia**, parliament tables the executive budget proposal 30 days before the end of the fiscal year, which gives the National Assembly inadequate time to review and effectively scrutinise the budget. Our findings also showed that most parliaments did not send the 2023 budget proposal to the committees responsible for specific sectors (for example, health, education, defence or state-owned enterprises) to examine the proposed spending in the areas they oversee. While understanding that the role of sectoral committees differs across parliaments, it is important for committees to scrutinise and understand the resources available for their sectors and report back to parliament. This helps committees responsible for tracking the progress of sectors during the fiscal year and enhances accountability of specific sectors by the relevant committees for the funds expended.

An example of good practice is **Armenia**, where a joint session of the National Assembly's standing committees on defence and security issues, and financial credit and budget issues was held on 31 August 2022. The session focused on the discussion of the Armenia's 2023 state budget regarding the financial allocations and budget programmes of the Ministry of Emergency Situations, police and National Security Service, as stipulated by the laws of Armenia.<sup>46</sup> In addition, the Standing Committee on Finance, together with the Committee on Issues of Territorial Administration, Local Self-Government, Agriculture and Environmental Protection, discussed the budget draft ahead of the 2023 budget year.<sup>47</sup>

Another common area of weakness relates to shortcomings of parliaments' examinations of audit reports. As Table 2 shows, four parliaments did not have a committee to examine audit reports submitted by the supreme audit institution.

**Table 2: In the past 12 months, did a parliamentary committee examine the audit report produced by the supreme audit institution?\***

<b>Armenia</b>	Yes, less than 3 months after its release by the supreme audit institution
<b>Colombia</b>	No
<b>The Gambia</b>	No
<b>Guatemala</b>	No
<b>Kenya</b>	Yes, between 3 to 6 months after its release by the supreme audit institution
<b>Panama</b>	No
<b>Zimbabwe</b>	Yes, but more than 6 months after its release by the supreme audit institution

\*Findings on financial oversight in practice in Cambodia, Jamaica and Zambia were incomplete at the time of writing the report and therefore were not included.

This negatively affects financial oversight by parliament as there is no effective follow up with the government on financial irregularities or reports of wastage. In **Zimbabwe**, focus group discussions highlighted the challenge of following up on reports by the Office of the Auditor General, with recurrent issues tending to come out of audit reports every year without any action being taken by parliament to hold the executive to account.<sup>48</sup>

In 2022, after being probed on the implementation of recommendations in the audit report and whether officials were being held to account, the auditor general of **The Gambia** stated that "there is a general lack of accountability in almost all sectors." He indicated that the National Assembly is alerted annually to facts and issues of financial management where it could take action, but no visible actions or consequences are taken.<sup>49</sup>



Our assessment also found a gap in the examination of audit reports by the National Assembly's Finance and Public Accounts Committee (FPAC) in **The Gambia**. FPAC has the mandate to consider the findings of the audit report before the audit office puts the document in the public domain, as per Section 160(e) of the 1997 Constitution of The Gambia. However, FPAC is overwhelmed and does not have the capacity to scrutinise reports on time. At the time of completing the assessment in 2022, the last audit report on the annual budget was published in 2019, which means reports for 2020 and 2021 had not been finalised and published.

Ideally, parliament should promptly scrutinise the audit reports through a committee and should issue recommendations on actions the executive should take. In addition, a follow-up system should be in place to ensure the executive pays sufficient attention to the recommendations.<sup>50</sup>

### Lack of monitoring and follow up on oversight actions

For parliamentary oversight to be effective in practice, the executive needs to respond to oversight actions, such as when asked oral questions, summoned to parliament or provided with recommendations by parliamentary bodies. Follow up efforts, to track whether the executive branch has heeded the calls of parliament, strengthen government accountability and increases the likelihood of governments taking appropriate remedial action. Without institutional mechanisms to monitor and follow up on government responses, it is left to individual members of parliamentary committees, and there is a real risk that important concerns will be neglected and injustices will go unchecked.<sup>51</sup>

Requests and recommendations may be “shelved” by government, thereby limiting the influence and impact of oversight. This can be a deciding factor in how effective oversight actions are at holding the government to account.<sup>52</sup>

Concerningly, our findings indicate that most parliaments do not systematically follow up on oversight actions, as shown in Table 3.

**Table 3: In the past 12 months, has the parliament monitored and followed up on the government’s responses to its oversight activities?\***

<b>Armenia</b>	Yes, but less than 25% of its oversight actions
<b>Colombia</b>	No
<b>The Gambia</b>	Yes, but less than 25% of its oversight actions
<b>Guatemala</b>	Yes, but less than 25% of its oversight actions
<b>Kenya</b>	Yes, more than 75% were monitored
<b>Panama</b>	No
<b>Zimbabwe</b>	Yes, but less than 25% of its oversight actions

\*Findings on government oversight in practice in Cambodia, Jamaica and Zambia were incomplete at the time of writing the report and therefore were not included.

In **Panama**, based on interviews and desk reviews of plenary and committee minutes, we found that the National Assembly does not systematically follow up on its oversight activities or audit findings. In many instances, it is individual MPs who follow up on oversight activities, mainly for their own political or personal goals. But this does not take place within a formal follow-up mechanism, nor is a record kept by the institution.<sup>53</sup>

Similarly, the assessment found that individual MPs from the ruling party in **Armenia** follow up on their concerns through bilateral engagements with government officials. According to expert interviews and group discussions, this approach does not contribute to the development of the National Assembly's capacities or the improvement of institutional oversight mechanisms.<sup>54</sup> In addition, this approach lacks transparency as the public is not able to track government responses to parliamentary directives or initiatives.

A lack of monitoring and follow up by parliament has a negative impact on the quality of oversight. When government officials ignore or fail to comply with

oversight actions by parliaments, such as requests for information, this compromises the effectiveness and quality of parliamentary work. For example, the Parliamentary Accounts Committee (PAC) in **Zimbabwe** was tasked with examining a special audit report on the financial management and use of public resources in combating COVID-19. In its report, PAC observed that public officials from the Ministry of Public Service, Labour and Social Welfare and the Ministry of Local Government and Public Works did not readily answer the committee's inquiries. According to the report, "equally disturbing is the fact that despite the ministry officials' undertakings to submit the required information within mutually agreed timeframes, this was not complied with, leaving the committee with no option but to finalise this report without the information sought."<sup>55</sup> This demonstrates how non-responsiveness from the executive, without follow up, undermines the quality and impact of parliamentary oversight.

Parliaments could use a number of tools to force the executive to comply with oversight actions. For example, they could censure non-compliant executive officials or apply other sanctions, such as contempt in parliamentary systems of government, if they fail to appear after being summoned. In **Kenya**, the National Assembly has an established Committee on Implementation, which has a mandate to scrutinise the resolutions of the House, petitions and the commitments undertaken by the executive. It examines whether they have been implemented, where they have been implemented and whether implementation has been carried out within the expected timeframe.<sup>56</sup> The committee can also recommend sanctions for any cabinet secretary who fails to report justifiable reasons for a delay in implementation. Its reports are posted on the National Assembly's website.<sup>57</sup>

The importance of parliamentary follow-up actions when the executive fails to comply with requests can be further demonstrated in a case from **The Gambia**.

### **The Gambia: Non-compliant minister reprimanded**

In 2022, the Speaker of the National Assembly demanded that the Minister of Justice apologise to the Assembly for failing to appear before a scheduled meeting.<sup>58</sup> In addition, the National Assembly Business Committee suspended all pending matters and business involving the minister, including seven bills from the ministry that were under consideration. As a result of these follow-up actions by parliament, the minister apologised and eventually appeared before the Assembly.

### **Limited gender mainstreaming in parliamentary oversight activities**

The Inter-Parliamentary Union defines a gender-sensitive parliament as one "that responds to the needs and interests of both men and women in its composition, structures, operations, methods and work."<sup>59</sup> This involves ensuring women's representation in parliaments, promoting equal opportunities for MPs of all genders in parliamentary activities and procedures, as well as actively supporting the inclusion of a gender perspective in law making and oversight.

Gender mainstreaming in parliamentary oversight entails scrutinising policies, laws and programmes for their varying effects on different genders.<sup>60</sup> This also involves examining the extent to which parliaments oversee gender equality in government actions to ensure that planning, implementing and reviewing laws and policies meet the needs of women and girls.

Through this gender lens, parliaments can promote gender perspectives within existing oversight mechanisms, such as putting questions to the executive, debates and public hearings. It may also include assessing the impact of proposed laws, policies, programmes, budgetary allocations and expenditures on different genders. Additionally, it may entail determining whether gender-blind or gender-biased assumptions have been made about groups that will benefit from a process or policy, who these groups are, and whether all groups will benefit equally.<sup>61</sup> Gender-sensitive oversight involves looking at who performs a process or policy, how it is performed and for what purpose, ensuring that all these aspects promote gender equality.

International standards stipulate that gender mainstreaming should be the responsibility of every parliamentarian and should be applied in all parliamentary work, including oversight. These standards include:

- the [Gender Sensitising Parliaments Guidelines: Standards and a Checklist for Parliamentary Change](#) by the Commonwealth Women Parliamentarians
- [Gender-Sensitive Scrutiny: A Guide to More Effective Law-Making and Oversight](#) by the International Institute for Democracy and Electoral Assistance's INTER PARES project
- the Inter-Parliamentary Union's [Plan of Action for Gender-sensitive Parliaments](#)

It is important that gender mainstreaming goes beyond gender representation in parliament or the formation of gender equality committees. It should be incorporated in all parliamentary oversight activities and by all parliamentarians, regardless of gender.<sup>62</sup> This is because “every issue has a gender dimension”, and every parliamentarian, official and committee should be involved in conducting gender-sensitive scrutiny.<sup>63</sup>

However, this is lacking in most assessed parliaments as they tend to have a very narrow understanding of gender mainstreaming, limiting it to creating a gender body with a very restricted mandate, often limited to scrutinising only gender-related policies or monitoring women's representation in parliaments.

In **Guatemala**, for example, there are no specific legal requirements for parliament to integrate a gender perspective into oversight activities. However, there are some formal and informal bodies (Women's Commission, Forum of Deputies and Presidential Commission against Violence against Women and Children), promoted mainly by deputies advocating gendered approaches.

In **Colombia**, the Legal Commission for Women's Equity was recently established to channel the demands and communicate the expectations of women's groups and organisations to the branches of public power and other organs of the state to advance women's rights.<sup>64</sup>

In **Zimbabwe**, the Women's Parliamentary Caucus, established in 2021, has been at the forefront of lobbying in relation to female empowerment legislation and policies.<sup>65</sup> Beyond efforts by the women's caucus, evidence indicates that parliament has not integrated gender mainstreaming in all activities. Expert interviews highlighted that the mandate for gender mainstreaming mostly lies with the portfolio committees that deal with gender issues, instead of finding it across all the other portfolios. This standalone approach, where gender issues are only adopted by certain MPs via specific committees and gender mainstreaming does not take place in all oversight processes, should be avoided. The organisation pointed out that, in some engagements with parliamentarians, it was clear that MPs need urgent training for deeper and applied understanding of gender mainstreaming: “They need 101 schooling on gender responsive budgeting (GRB) using practical examples.”<sup>66</sup>

An important component of gender mainstreaming is analysing budgets from a gender perspective. As pointed out in the UN Women's **Action Kit on Engaging Parliaments in Gender Responsive Budgeting** and International IDEA's **Gender-Sensitive Scrutiny: A Guide to More Effective Law-Making and Oversight**, parliamentarians can adopt a gender-sensitive approach to their oversight responsibilities at each stage of the budget cycle.<sup>67</sup> For example, they could hold public consultations during budget talks, or encourage finance ministers to consider gender impact assessments when formulating the budget. They could also adopt a gender-responsive approach to reviewing budget plans during the approval stage. They could also adopt a gender-sensitive approach to post-budget scrutiny, including receiving gender performance audits from supreme audit institutions.

There is limited evidence of assessed parliaments analysing budgets from a gender perspective. For example, in 2021, the Commission for Women's Equality of the Congress in **Colombia** received a report on the general budget of the nation with a gender focus in September 2021, analysing its implementation between 2019 and 2021. This analysis was carried out through a political control debate attended by delegates from

the Ministry of Finance and Public Credit, the National Planning Department and the Presidential Advisory Office for Women.<sup>68</sup> However, most parliaments assessed still need to build capacities around mainstreaming gender budgeting, as mentioned in the case of Zimbabwe.

## FACTORS AFFECTING OVERSIGHT IN PRACTICE

Despite the legal mandate and powers to hold the government to account, in practice, oversight is, a challenge for most parliaments. Our assessments identified common factors that limit the practice and impact of oversight. These common factors include a failure among political parties to prioritise oversight, limited opportunities for opposition and independent MPs to influence oversight, lack of oversight skills, lack of systematic follow up, limited public participation and lack of oversight influence by opposition parties and/or independent MPs.

These factors are not exclusive and other critical issues exist, such as a lack of human and financial resources to support oversight work, which have been recognised in other reports,<sup>69</sup> but are not covered in this report.

### Failure of political parties to prioritise oversight

Parliamentarians are usually affiliated to a political party, except when they are elected as independent candidates. These political parties compete to control and shape government policy, including in oversight processes. The political nature of oversight is exemplified by: the tension of MPs' dual roles as legislators and party politicians, the opportunities afforded to opposition parties to exercise oversight of government activities, and the ongoing power struggle between parliament and the executive.<sup>70</sup>

While recognising that competition between political parties is an intrinsic feature of the parliamentary environment, our assessment found that political parties, and particularly ruling parties, do not balance political party discipline with the need to hold the executive to account. Party discipline is regarded as a priority, forcing MPs to toe the party line, even when it is in the public interest to hold the government to account.

### Zimbabwe: Lack of space for MPs to dissent from party political positions as a challenge to effective oversight

In **Zimbabwe**, expert interviews and focus group discussions revealed that over-politicisation of parliamentary processes has resulted in party loyalty trumping the broader public interest of parliamentary oversight, such as more accountable, effective and responsive governance.

Parliamentarians are subject to the whip system, receiving instructions from party leaders in the legislature on how to follow a certain line of debate or vote during parliamentary processes. The whip system has been misused to hinder effective oversight and MPs can lose their seats for dissent, in accordance with Section 129 (1)(k) of the Constitution of **Zimbabwe**.<sup>71</sup>

This regulation gives party leaders the power to remove MPs from office by simply notifying the speaker or president of the senate in writing that the MP has ceased to be a member of their political party. As a result, parliamentarians, particularly from the ruling party, yield to their party leaders at the expense of exercising effective oversight over the executive.<sup>72</sup> Since 2020, the Movement for Democratic Change Alliance opposition party has also used the same provision to recall more than 40 MPs due to an internal power struggle within the opposition,<sup>73</sup> which has also weakened the opposition's oversight over the executive.

The Parliament of Zimbabwe Institutional Strategic Plan (2018-2023) acknowledged the whip system as one of the institution's threats in its SWOT analysis.<sup>74</sup> In particular, it acknowledges that the dual challenge of Section 129(k) and the whip system undermines MPs' independence by making them reluctant to go against party political lines and participate effectively.<sup>75</sup>

In 2019, an MP in **Zimbabwe** suggested that the whip system be repealed from parliamentary standing rules and orders because it stifles open debate in parliament and renders oversight processes as opportunities to pursue partisan agendas.<sup>76</sup> This has also been echoed by other stakeholders, such as CSOs and academics, who have pointed out that political parties – set up inquiry committees, the



ruling party – have deterred MPs from exercising their oversight responsibilities because of vested partisan interests, resulting in parliament being ineffective in probing the executive on important national issues such as financial activities.<sup>77</sup>

In **Armenia**, our findings from interviews conducted with MPs, experts and key informants pointed to a perceived lack of strategic value in pursuing oversight by political party factions, particularly the ruling party, as one of the most significant challenges faced by parliamentarians when performing their oversight duties. For example, MPs from the ruling party tend to be vigilant and cautious not to oppose their faction's opinion, as doing so could lead to condemnation by party members.<sup>78</sup> As a result, they miss out on opportunities to hold the government to account, thereby undermining their oversight responsibilities due to party political interests.

In **Cambodia**, expert discussions indicated that there is a lack of depth in parliamentary oversight due to the absence of critical or opposing voices, including within the ruling Cambodian People's Party (CPP). This situation has been further exacerbated by the hierarchical structure of the ruling party, which inhibits criticism of its leaders. Specifically, the prime minister has the authority to dismiss any dissenting voices, leading to MPs being reluctant to ask questions that might challenge the party's leadership.<sup>79</sup>

### **Limited opportunities for opposition parties and independent MPs to influence oversight**

Effective oversight is possible when opportunities are afforded to the opposition or independent parliamentarians to wield oversight tools.<sup>80</sup> Without these opportunities, ruling party MPs are able to block oversight initiatives such as summons, censures and the establishment of special committees by using their majority to vote down any initiatives as a way of protecting members of the executive with whom they share party affiliations.

As such, measures are needed to provide special opportunities for opposition and independent MPs, parties or groups to participate in oversight activities. These measures could include appointing opposition MPs as committee chairs in proportion to the size of their party in parliament, providing opposition parties with special powers to set up inquiry committees, establishing special question times or debates, granting opposition MPs a right of reply, and allowing members of parliamentary committees from opposition parties to attach minority reports to their committee's main report.<sup>81</sup>

Our assessment has demonstrated how MPs from governing parties have attempted to block opposition MPs from conducting oversight. For example, in **Guatemala**, evidence from expert interviews and focus group discussions indicates that there is little interest on the part of most deputies and caucuses in questioning members of the executive branch. Restrictions have increased on opposition deputies in terms of exercising oversight over the government. For example, MPs from the ruling party have actively sought to block interpellations of ministers of state and restrict executive officials from attending summons or providing information on time. An example is Deputy Edwin Lux who reportedly withdrew interpellation to question the minister of energy and mines due to a lack of interest from the majority of the congress, arguing "there is a systematic strategy of protection for the minister and the power group that keeps him in office by a large majority of deputies"<sup>82</sup>

In **Armenia**, a separate report published in 2022 indicated that, during oral question sessions on Wednesdays, the ruling party often takes advantage of the opportunity to prevent opposition MPs from asking difficult questions by diluting or opposing questions put to the executive.<sup>83</sup> The leadership of the ruling faction coordinates prepared questions being asked, which leaves little room and time for opposition questions, in a bid to highlight the government's achievements or restrict the opposition parties' opportunities to reveal the government's shortcomings. This has hindered government oversight by the National Assembly due to the tactical struggle between ruling and opposition factions.<sup>84</sup>

In **The Gambia**, interviews with parliamentary staff indicated that attaching minority reports is not practiced in parliament, which limits opportunities for committee members, especially from the opposition, with dissenting opinions to be heard.<sup>85</sup> In **Zimbabwe**, key informant interviews with MPs indicated that, while opposition and independent MPs have moved motions, those mostly entertained are ones that are considered not politically sensitive by the speaker of the house.<sup>86</sup>

Parliamentary committees are important avenues of influence for opposition and independent MPs. According to the Global Parliamentary Report 2017 focusing on parliamentary oversight, committees chaired by a member of the opposition are reported to influence the effectiveness of oversight.<sup>87</sup> It has also been recommended, for example, that public accounts or finance committees should be chaired by a member of the opposition<sup>88</sup> as they have a significant incentive to hold government to account on financial activities.

This is the case in **Kenya**, where Section 174(1)(d) of the Standing Orders provides for the majority of members of the Public Accounts Committee, Public Investments Committee, Committee on Implementation and the Special Fund Accounts Committee to be drawn from parliamentary parties other than those forming the national government. Section 178(2) also provides for members of the Public Accounts Committee, Public Investments Committee and Committee on Implementation to elect a chairperson and vice-chairperson from among nominated committee members from a parliamentary party other than those forming the national government.

Section 199(5) and (6) of the Standing Orders also provides for minority/dissenting opinions, which may be appended to a committee report and tabled on the floor of the House. In addition, Section 204 guarantees that membership of the Appointments Select Committee, responsible for approving appointments to independent institutions, should include the leader and deputy leader of the minority party, as well as MPs nominated by the House Business Committee based on proportional representation.

## Jamaica: Special powers for opposition MPs

The Standing Orders of the House of Representatives of Jamaica provide special powers for the opposition. For example:

- Article 11A (2) provides special powers for the opposition spokesperson to respond or nominate an MP to respond to a statement by a minister.
- Article 32A stipulates that parliamentarians entitled to speak during the time allotted for sectoral debates are any minister speaking on a specific theme and any MP nominated by the leader of the opposition to speak on a specific theme.
- Article 32B provides that those required to take part in budget debates are the prime minister, the finance minister, the leader of the opposition, as well as an MP nominated by the leader of the opposition to speak on finance matters.

## Lack of oversight capacities

To effectively carry out their unique and important role overseeing government activities, parliamentarians require a range of specialist knowledge and skills, as well as financial and human resources to support them.

Oversight skills may be strengthened through training courses, encouraging parliamentarians to prioritise oversight in addition to their legislative and representational responsibilities.<sup>89</sup>

Our findings indicate that most parliamentarians do not receive sufficient training from their parliament or political parties to equip them with the knowledge and skills to conduct oversight. According to MPs in a focus group discussion in **Zimbabwe**, training sessions are organised by parliament for groups of MPs, as well as committees. These sessions are carried out as part of the induction of new MPs at the beginning of each session of parliament. However, MPs interviewed during the research stressed that, while capacity building does take place during the induction process, individual MPs need further training to deliver fully on the idea of holding the executive to account.<sup>90</sup>

In addition, the parliament faces limited financial resources to effectively carry out its mandate. For example, parliamentary committees' physical engagements with citizens are largely based on the availability of financial resources. In a planning environment characterised by limited resources, this means committees have inadequate opportunities for extensive public outreach beyond conducting physical public hearings on specific issues.<sup>91</sup>

In **Armenia**, the work of investigative and special committees is hindered by a lack of skills among deputies to conduct oversight in specific fields, such as finance. In these cases, specialists are needed, but parliament's limited financial and administrative resources make it difficult to involve them.<sup>92</sup>

In **Colombia**, our findings indicate that parliament does not report on budget oversight, nor do sectoral commissions produce specific reports on each sector following budget analysis and approval. This is attributed to a lack of developed capacity in this area among legislators.<sup>93</sup> It also speaks to the need for dedicated parliamentary staff with the expertise to support parliamentarians in their analysis.

In **Guatemala**, Congress has the Sub-Directorate of Legislative Training, which is the unit responsible for providing training on the responsibilities and activities of deputies and parliamentary staff. Most training organised by the Sub-Directorate is voluntary and few parliamentarians actually participate. An exception during the assessed period (2018-2023) was the general introduction to legislative work called the Training Programme for Elected Deputies of the IX Legislature 2020-2024, on 17 and 18 October 2019. More than half of the deputies participated, especially new deputies. The induction addressed different issues of legislative work and was not limited exclusively to the oversight role of deputies.

## Lack of periodic reviews and reports on parliamentary oversight performance

As parliaments face challenges in their activities, regular evaluation of parliamentary procedures and rules, as well as their performance, is essential so that their mandate and practice is still fit for purpose.<sup>94</sup> Our

findings indicate that most assessed parliaments do not have periodic reviews and reports on oversight. This corroborates findings from the Global Parliamentary Report 2017, which indicated that only 41 per cent of 103 assessed parliamentary chambers reported that they had reviewed their oversight performance in the last five years.<sup>95</sup> In addition, the report concluded that only one in three parliaments "has a system in place to monitor how effectively it performs its oversight role."<sup>96</sup>

In **Armenia**, interviews with parliamentary staff and practitioners working on parliamentary development highlighted that no actions have been taken to review or strengthen parliament's oversight capacities in the last five years. Likewise, in **Zimbabwe**, parliament's oversight capacities have not been reviewed, except in the 2018-2023 Institutional Strategic Plan SWOT analysis. Parliament also does not produce annual reports with information on its performance in relation to oversight, law making or representation, thereby limiting its accountability to citizens.

In **Panama**, evidence from a public information request (received on 27 April 2023), as well as a desk review and interviews conducted with MPs indicate that no self-assessment or review of parliamentary oversight capabilities or performance has been conducted by parliament in the last five years. However, documents such as the annual reports of the National Assembly and its committees outline sessions held, the number of laws passed and, in some cases, include oversight activities, such as subpoenas. Likewise, in **Guatemala**, no self-assessment or review of parliamentary oversight capabilities or performance has been conducted in the last five years, except the record of information on oversight actions, such as the Secretaría General de la Corporación, which keeps records of parliamentary activities, such as debates and votes.<sup>97</sup>

This lack of periodic reviews affects oversight in practice as parliaments are not able to assess their performance, identify strengths and weaknesses, or set priorities for internal reforms and goals for future performance.

## Basic practice in public participation and engagement

When parliamentarians perform oversight actions, it is essential that they connect and engage with the citizens they represent. Public participation and engagement support parliamentary processes by providing a platform for citizens to share information relevant to oversight, as well as to understand people's expectations and aspirations. In addition, interaction with voters on matters of public interest helps parliamentarians reduce mistrust.<sup>98</sup>

Most assessed countries have strong legal measures requiring their parliaments to ensure public involvement or engagement in processes. For example, Section 141 of the Constitution of **Zimbabwe** directs parliament to facilitate "public involvement in its legislative and other processes and in the processes of its committees." Specific procedures on how this is conducted are governed by the standing orders in Part XVIII on public access to and involvement in parliament and petitions.

As shown in Table 4, most assessed parliaments are not making effective use of public engagement and participation in their oversight activities. Most parliaments assessed only promote public awareness of their oversight activities in a basic manner.

Parliamentary good practice to engage citizens does exist. For example, in **Kenya**, the National Assembly has a [petitions tracker](#), which indicates the number of public petitions received, the petitioner, is the subject matter, the date it was presented, which committee handled the petition and the status of the response from parliament.

**Table 4: Public participation and engagement in oversight activities\***

	Parliament promotes public awareness of oversight activities	Proactively publishes information about public participation in oversight activities	Makes a proactive effort to consult interest groups (especially vulnerable groups) when conducting oversight activities	Responds to public petitions
Armenia	●	●	●	●
Colombia	●	●	●	●
The Gambia	●	●	●	●
Guatemala	●	●	●	●
Kenya	●	●	●	●
Panama	●	●	●	●
Zimbabwe	●	●	●	●

**Value (measures):** not at all ● weak ● basic ● strong ● very strong ●

\*Findings on parliamentary oversight in practice in Cambodia, Jamaica and Zambia were incomplete at the time of writing the report and therefore were not included.



However, most parliaments could do more to ensure meaningful involvement of CSOs, citizens and others in their oversight activities. For example, in **Armenia**, a study by Transparency International Anti-Corruption Centre showed that, although there are multiple participation mechanisms to engage civil society in parliament – such as hearings, professional discussions and workgroups – they are not sufficient to ensure effective and meaningful participation, as they are usually discretionary and irregular. For example, public announcements being made only one or two days before the scheduled participation date.<sup>99</sup>

In **The Gambia**, interviews and focus groups indicate that parliament's oversight role is not clearly understood by citizens. The best way parliament has facilitated public participation is by allowing private citizens to witness Oversight Committee sessions, which are generally televised, to keep citizens abreast of the latest developments in the National Assembly.<sup>100</sup> This may be attributed to the fact that there are no clear provisions for public involvement or engagement by parliament in the oversight processes, except that committee proceedings should be public and public petitions should be handled by the Public Petitions Committee.<sup>101</sup>

Photo: Fredric Koberl/Unsplash



# RECOMMENDATIONS

## 1. Parliaments and political party leaders should protect MPs from party political discipline or legal actions when performing oversight activities.

Specifically, it is recommended that:

- Parliaments should establish and enhance legal measures that protect the privileges and functional immunity of parliamentarians from party political discipline or legal action when carrying out their oversight responsibilities.
- Political party leaders should enshrine parliamentary oversight as a legitimate and effective tool of policy competition in their charter, code of ethics, or manifesto, and make commitments to create an enabling environment that balances political party interests with the public interest in holding government to account

**2. Parliaments should put in place mechanisms, preferably at committee level, for monitoring and following up on oversight actions and government recommendations.** Additionally, committees should follow up on parliamentary oversight and government recommendations made by previous parliaments. Such a systematic approach helps document who in government is failing to respond to oversight actions, rather than relying solely on the bilateral initiatives of individual MPs. It also signals that parliament is serious about following up and holding government to account.

**3. Parliaments should establish and impose measures that effectively compel government officials to respond to oversight actions.** Where applicable, an offence of contempt of parliament should be legally established and imposed in cases of unjustified repetitive refusal by summoned officials to appear before parliament or giving false information.

## 4. Parliaments should enhance opportunities for opposition and independent MPs to influence oversight. Specifically, it is recommended that:

- Parliaments should amend parliamentary rules to guarantee that key committees with prominent financial oversight responsibilities are proportionately chaired by opposition or independent MPs. This will allow opposition and independent MPs, as committee leaders, to play an important role in influencing and overseeing government policies and programmes.
- Parliaments should lower the threshold for approving the establishment of special committees to ensure that opposition and independent MPs stand a chance of instituting special committees without over-reliance on ruling party MPs.
- Parliaments should establish measures that guarantee opposition and independent MPs – individually or on committees – special powers, such as allocated time to speak or ask questions, to initiate and participate in debates and to attach minority reports.

## 5. Parliaments should foster and enhance relations with other stakeholders to conduct oversight. Specifically, it is recommended that:

- Parliaments should ensure public access to oversight proceedings and information, invite civil society stakeholders and other affected parties to provide evidence or engage with parliament on oversight activities. This should be reinforced in strategic priorities and measurable public engagement strategies aimed at increasing public engagement in parliamentary oversight activities.

- Parliaments should codify engagements with other oversight institutions (supreme audit institutions, ombuds offices, anti-corruption agencies, human rights commissions, etc.) to foster collaboration in oversight activities. In addition, reports by these oversight stakeholders should be scrutinised by relevant parliamentary committees, and parliament should act upon their findings and recommendations with the executive.

**6. Parliaments should establish and impose measures that ensure parliamentarians do not abuse their oversight powers. Specifically, it is recommended that:**

- There should be a code of conduct that requires parliamentarians to conduct their oversight activities in a transparent manner, avoid conflicts of interest when performing oversight activities, and act in the interests of the common good.

# ANNEX: OTHER FEATURES OF EFFECTIVE PARLIAMENTARY OVERSIGHT

Apart from the key recommendations above, there are other features of effective parliamentary oversight, which parliaments could consider adopting. The features discussed below are in line with international standards and best practices, with key resources also provided.

## 1. Adopting a wide range of parliamentary oversight tools and mechanisms in line with international standards.

For parliaments to effectively hold governments to account, key requirements include a strong legal mandate with clearly defined oversight tools and mechanisms. As such, they should adopt a wide range of oversight tools and mechanisms to effectively hold governments to account. Here are some examples of important features of common oversight tools and mechanisms:

- Oral and written questions:** There should be clear and established legal measures that provide parliaments with the powers to put oral and written questions to the executive, who should be required to provide timely responses to oral and written questions from parliaments (resources: Commonwealth Parliamentary Association's [Recommended Benchmarks for Democratic Legislatures](#); Inter-Parliamentary Union's [Indicators for Democratic Parliaments](#)).
- Summons:** Parliaments and their committees should have the power to summon people, papers and records from the executive (resources: Commonwealth Parliamentary Association's [Recommended Benchmarks for Democratic Legislatures](#); Inter-Parliamentary Union's [Indicators for Democratic Parliaments](#)).
- Special ad hoc committees:** Parliaments should have the authority and sufficient resources to establish both permanent and temporary committees. Each committee should consist of members from both the majority and minority parties, ensuring representation that aligns with the political makeup of the parliament. Parliaments should establish and adhere to a transparent procedure for appointing committee chairs, free from external influence. Once formed, committees should convene regularly, ensuring timely and productive meetings take place. Furthermore, all votes and substantial decisions taken by committees, along with the rationale behind them, should be made accessible to the public in a transparent and timely fashion (resources: Commonwealth Parliamentary Association's [Recommended Benchmarks for Democratic Legislatures](#); Inter-Parliamentary Union's [Indicators for Democratic Parliaments](#)).
- Censure, votes of no confidence and impeachment:** In parliamentary systems featuring both a lower and upper chamber (referred to as bicameral systems), only the house elected by the general populace has the authority to remove the government from power. Parliaments should have access to mechanisms for impeaching or censuring the executive branch and expressing a lack of confidence in the government. If parliaments indicates a lack of confidence in the government, the government should be obligated to submit its resignation. If the head of state agrees that no viable alternative government can be formed, a general election should be called and carried out within a suitable timeframe, as outlined in the constitution



or relevant laws (resources: Commonwealth Parliamentary Association's [Recommended Benchmarks for Democratic Legislatures](#); Inter-Parliamentary Union's [Indicators for Democratic Parliaments](#)).

- **Post-legislative scrutiny:** Parliaments should have established legal provisions and mechanisms, including through committees, to review the implementation of laws (resources: Inter-Parliamentary Union's [Indicators for Democratic Parliaments](#); De Vrieze, F. 2018. [Principles of Post-Legislative Scrutiny by Parliaments](#). Westminster Foundation for Democracy; De Vrieze, F. 2018. [A Guide to Post-Legislative Scrutiny](#). Westminster Foundation for Democracy).

## 2. Complying with international standards and best practice on financial oversight.

- Executives should submit budget proposals to parliament at least three months before the start of the financial year, in line with international best practice. (resources: International Monetary Fund's [Code of Good Practices on Fiscal Transparency](#); International Monetary Fund's [Code on Fiscal Transparency](#); Organisation for Economic Co-operation and Development's [Best Practices for Budget Transparency](#)).
- Budget proposals should not only be subject to scrutiny by finance or public accounts committees, but sectoral committees should also scrutinise budgets for their respective sectors.
- Parliaments should receive any supplementary revenue and spending proposals that are drawn up over the course of the fiscal year in a manner consistent with the original budget presentation (resources: International Monetary Fund's [Code of Good Practices on Fiscal Transparency](#)).
- Parliaments should receive mid-year reports on budget expenditure from the executive in a timely manner. Publication of quarterly reports on budget expenditures is recommended as the best practice (resources: International Monetary Fund's [Code of Good Practices on Fiscal Transparency](#)).

- There should be a legal requirement for the supreme audit institution to report regularly and independently to parliament and the public. Audit reports and audited final accounts should be presented to parliament and published within a year (resources: Inter-Parliamentary Union's [Indicators for Democratic Parliaments](#); International Monetary Fund's [Code of Good Practices on Fiscal Transparency](#)).
- A parliamentary budget office or some other form of specialist office should be established to provide expert support to parliamentarians on their financial oversight roles (resources: Inter-Parliamentary Union's [Indicators for Democratic Parliaments](#)).

## 3. Complying with international standards and best practice on debt oversight.

- There should be legal measures in place setting out a clear procedure for parliaments to approve debt arrangements or restructuring, including scrutiny of debt arrangements by a parliamentary committee prior to approval. Parliaments should also review debt repayment plans, as well as how debt resources are allocated within national budgets. In addition, parliamentarians should receive mid-year and annual debt management reports from the government, and should also follow up on findings and recommendations by the supreme audit institution on debt management (resources: African Forum and Network on Debt and Development, AFRODAD. 2021. [The African Borrowing Charter](#). United States Agency for International Development, USAID. 2022. [Debt Transparency Monitor](#); Dubrow, G. 2022. [Role of Parliaments in Oversight of Public Debt Management](#). National Democratic Institute and the Westminster Foundation for Democracy).

## 4. Building parliamentarians' technical capacities to conduct oversight

- Effective oversight requires MPs to acquire and develop knowledge and skills, such as how to effectively probe information from government officials or how to make effective use of parliamentary committees. It is important for parliaments and parliamentary administrations to provide mandatory technical training on



oversight that goes beyond a cursory induction of MPs and parliamentary staff. In addition, there should be ongoing initiatives for professional development regularly delivered to all MPs. As a demonstration of best practice, this ongoing professional development should include access to a variety of online training modules and self-paced courses that are customised to meet the needs and expectations of individual MPs (resources: Inter-Parliamentary Union's [Indicators for Democratic Parliaments](#)). Furthermore, parliamentary secretariats and factions should also engage other stakeholders that are able to provide MPs with relevant training, such as civil society organisations, academics and other external experts.

### 5. Periodically reviewing and monitoring parliamentary oversight performance.

- Parliamentary secretariats should conduct periodic self-assessments of their oversight mandate and performance. For example, the Inter-Parliamentary Union has developed [self-assessment toolkits](#) that parliaments could apply.
- Legal measures should be put in place requiring parliaments to report publicly on their work and activities, committees and other bodies (resources: Commonwealth Parliamentary Association's [Recommended Benchmarks for Democratic Legislatures](#); Inter-Parliamentary Union's [Indicators for Democratic Parliaments](#)). Parliamentary secretariats should collect and publish detailed information on parliamentary oversight in a timely manner, and the right to

information for more detail data should be established and upheld. In addition, monitoring and evaluation departments should publish annual reports reviewing parliamentary performance and responses from the executive (see [annual reports](#) best practice example by the South African Parliament).

- Civil society should monitor the oversight activities of parliaments and intervene to strengthen oversight before, during and after government actions (resources: Brenner, D. and Fazekas, M. 2022. [Civil Society Interventions to Enhance Parliamentary Oversight](#). Transparency International Helpdesk Topic Guide).

### 6. Gender mainstreaming in all parliamentary oversight activities.

- A gender perspective should be mainstreamed into the work of all parliamentarians and parliamentary committees, instead of leaving it exclusively to gender committees and women's caucuses (resources: Commonwealth Women Parliamentarians' [Gender Sensitising Parliaments Guidelines: Standards and a Checklist for Parliamentary Change](#); International Institute for Democracy and Electoral Assistance's [Gender-Sensitive Scrutiny: A Guide to More Effective Law-Making and Oversight](#); Inter-Parliamentary Union's [Plan of Action for Gender-sensitive Parliaments](#)).

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