Strengthening Parliamentary Oversight to Prevent Conflict & Reduce Poverty

Rick Stapenhurst & Mitchell O’Brien

December 2006
Parliamentary Oversight

Purpose of Parliamentary Oversight:

- Parliament’s oversight function aims to ensure that the government and public officials use their powers and available resources appropriately, lawfully and in ways that respond to the needs and interests of all members of the community.
Oversight in Conflict-Affected Countries

In exercising their oversight function parliaments in conflict-affected countries:

- Help manage tensions that could escalate into violent conflict
- Can assist in guaranteeing that the decisions and actions of the government stay within the bounds of the law, thereby strengthening an open and accountable democracy
- Enhance public confidence in the integrity of the government’s activities, which encourages all groups in the community to accept the policies of the executive branch, rather than resorting to violent conflict
What is Accountability?

Parliament has a specific responsibility to exercise oversight of the government so as to hold it accountable for their policies and actions.

Accountability has two distinct stages:

- Answerability
- Enforcement
Horizontal Accountability

Horizontal accountability is the capacity of autonomous powers that call into question, and eventually reprimand or punish, improper ways of discharging the responsibilities of public officials (O’Donnell, 1994).

There are two autonomous powers that provide horizontal accountability:

- Parliament
- Judiciary
Horizontal Accountability is Complemented by Vertical Accountability

Vertical Accountability is:

- The process whereby citizens, the media and civil society provide checks on all branches of government and seek to enforce standards of good performance on officials (Goetz and Gaventa, 2001; McNeil and Mumvuma, 2006; and Malena et al, 2004)
Direct Parliamentary Oversight

Parliament is able to directly oversee the conduct of government and public officials, in particular through the use of parliamentary oversight committees.

Parliamentary oversight committees can potentially contribute to conflict prevention by:

- Ensuring the policies and actions of the government are responsive to public demand
- Being aware of how their work reinforces the public’s belief in the integrity of the government
Money Committees

- Parliament can use the time between tabling and passing a budget to scrutinize the draft budget in specialized finance, budget or estimates committees, as well as sectoral committees.

- Specialized committees, such as Public Accounts Committees, review spending after the fact to ensure expenditure has been approved.

- During consultations or the review process parliament can seek to ensure the budget is both fiscally sound and balances the needs of all constituents in order to mitigate catalysts that could create conflict.
Parliamentary Oversight of the Security Sector

- A country’s security sector must be accountable to the democratically elected civilian government (Community of Democracies).

- A security sector which is not democratically accountable is “not only unable to prevent conflict occurring but can also be a source of violence” (Damien, Luckham & Von Tangan Page, 2002)

- Parliament can help government by providing, not only civilian control over the security sector, but democratic oversight by the people’s representatives in parliament.
Autonomous Accountability Institutions

- Overseeing the activities of government is a massive undertaking that requires resources and specialist knowledge.

- Parliament can turn to Autonomous Accountability Institutions (AAIs) to assist them in providing oversight.

- Examples of AAIs include: Anti-corruption Commissions, National Human Rights Institutions, and Ombuds Offices.

- AAIs provide aggrieved individuals with ready access to avenues to seek redress, thereby reducing the likelihood they will resort to violence.
Autonomous Accountability Institutions

**Autonomous Accountability Institutions**

AAIs take many forms and are designed for a multitude of purpose; however, they can assist parliament most effectively when they are:

- Given operational independence
- Provided with a clear mandate
- Conferred sufficient powers to perform their mandate
- Sufficiently resourced
- Supported by strong political will
- Accountable to parliament, rather than the executive
- Headed by people who have high standing in the community and are renowned for their integrity
Conclusion

Parliament can use its accountability function to hold the government and public officials to account and, by ensuring the government is performing well, instill public confidence in the democratic process.

Parliament can support the formation of autonomous accountability institutions to assist it with its oversight function and provide additional avenues for aggrieved parties to have their concerns heard.