



Report on The
Commonwealth Parliamentary Association
World Bank Institute
Asia/India Regional Workshop
On the Administration
And Financing of Parliament

Hosted by the
Parliament of Maldives

2 – 5 April 2007

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**Asia/India Regional Workshop on the Administration
And Financing of Parliament**

**Hosted by the Parliament of Maldives
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Introduction and purpose

April 2 – 5, 2007, Parliament members and staff, staff of the Commonwealth Parliamentary Association, and the workshop resource team met at Dharubaaruge (Kakuraa Malan) in Male, Maldives to participate in the Asia/India Regional Workshop on the Administration and Financing of Parliament. The workshop was designed to provide delegates from member parliaments with the opportunity to:

- Review the Study Group recommendations from the Zanzibar workshop, as well as the findings of the September 2006 African Regional Workshop on the Administration and Financing of Parliament held in Mauritius;
- Share good practices from the region;
- Agree on minimum standards of governance that should be in place in a parliamentary setting;
- Identify good practice models that can be adapted to a range of parliamentary settings;
- Benchmark their own parliaments against the CPA recommendations;
- Recommend development projects to be taken forward by CPA; and
- Meet delegates' personal objectives.

The parliaments of India, Maldives, Pakistan, and Sri Lanka sent delegates to the Workshop, and representatives from the Centre for Governance Studies of BRAC University in Bangladesh participated as well.¹ Mr. Paul Belise, Clerk of the Canadian Senate, was the conference facilitator, Mr. John Johnson, Director of Governance Programs at NDI was rapporteur, and Mr. Shem Baldeosingh represented the CPA Secretariat. (Please see Appendix B for a complete list of participants).

¹ Bangladesh did not have a sitting Parliament on the date of conference.

The participants reviewed and endorsed the findings of the 2005 Zanzibar Study Group on the Administration and Financing of Parliament; considered the findings of the 2006 Mauritius workshop; and discussed parliamentary corporate bodies and parliamentary governance, parliamentary service, parliamentary funding, and financial controls and accountability. In the final workshop session, the delegates unanimously adopted the conference conclusions (please see Appendix A).

Background

The Maldives Workshop is the most recent in a series of events conducted by the CPA and WBI in support of strengthening parliamentary financial and administrative independence. The first was held in Zanzibar in 2005, where a CPA Study Group met to consider issues of administration and financing of parliaments. The Zanzibar Study Group drafted a series of specific recommendations recorded in the Study Group Report. The Zanzibar recommendations were designed as a framework which can assist parliaments in their efforts to establish greater levels of autonomy, strengthen their corporate governance arrangements, develop comprehensive financial controls, enhance the status of the parliamentary service, and increase public accountability.

In September, 2006, representatives from eight CPA member parliaments from Southern and Eastern Africa (Kenya, Mauritius, Malawi, Mozambique, Namibia, South Africa, Uganda, and Zambia) met to consider the Zanzibar recommendations. The Mauritius workshop endorsed the Zanzibar recommendations, and discussed their application in the Eastern and Southern Africa Region.

The Maldives Workshop is the third in this series, and its purpose, as stated in the opening paragraph of this report, was to review the Zanzibar recommendations and discuss their application in the Asia/India region. Substantive sessions of the workshop tracked with each of the Zanzibar Study Group Recommendations, and summaries of those sessions are presented below.

The independence and integrity of parliament

All Commonwealth Parliaments should implement the Commonwealth Principles on the Accountability of and Relationship Between the Three Branches of Government, especially those relating to the independence of the Legislature.²

The parliaments represented at the Workshop are constitutionally independent branches, and virtually all noted continued progress in realizing their independence. In some cases, however, there was concern that the line between executive and legislative power blurs. In the Maldives, for example, the Executive appoints some MPs as well as the Speaker and Deputy Speaker, and the Bangladesh Parliament was dissolved by the executive.

Length of parliamentary tradition varied greatly among participating parliaments – from India's nearly 60 year parliamentary tradition, to the Maldives, whose parliament is much newer and is currently undergoing major reforms. The Maldives, in fact, is in a period of major transition, just this year passing several pieces of reform legislation – and was in the process of revising its constitution.

The governance of parliament

Parliaments should, either by legislation or resolution, establish corporate bodies responsible for providing services and funding entitlements for parliamentary purposes and providing for governance of parliamentary services.³

Commonwealth parliaments in virtually all of the world's regions have established such corporate bodies, which generally comprise parliament's leaders and representatives of the political parties in parliament. Among other responsibilities, these groups provide leadership, vision and direction for parliament; oversee the development and

² "Administration and Financing of Parliament: A Study Group Report Published by the Commonwealth Parliamentary Association: Report of a CPA Study Group hosted by the Legislature of Zanzibar, Tanzania from 23 to 29 May 2005." Page 12.

³ Ibid. Page 13.

implementation of strategies, plans and policies; ensure that parliamentarians are provided with the resources and facilities they need to carry out their responsibilities; and ensure good parliamentary management and ethical behavior. Corporate bodies are intended to act on behalf of the *institution* of parliament, and not on a partisan or governmental basis.

None of the parliaments participating in the Asia/India regional workshop have established corporate bodies exactly like those described in the Zanzibar report. More commonly Speakers – not corporate bodies – govern parliaments. Of the parliaments represented at the Workshop Sri Lanka's management model probably conforms most closely to the Zanzibar recommendations. Rather than a single corporate body, however, the Sri Lanka Parliament has two parliamentary committees with responsibilities similar to those described in the Zanzibar Study Group report. Sri Lanka's staff advisory committee is responsible for issues of financing and staff, and a separate house committee on Parliamentary Services (chaired by the Speaker and with the Deputy Speaker and including representatives of all parties) deals with issues related to member salaries, etc.

Pakistani delegates were concerned that the term "corporate body" could be associated with the negative aspects of privatization policies and suggested that other words be found to convey the concept – such as "parliamentary service committee" or "parliamentary management committee". Several other delegates agreed.

Financial independence and accountability

Parliaments should have control of, and authority to set out and secure, their budgetary requirements unconstrained by the executive.⁴

Financial Independence: The Zanzibar Study Group recommended that parliaments set their own budgets, and that these budgets not be subject to reductions and changes by the executive. Parliamentary practice in the region with regard to budget independence

⁴ Ibid. Page 13.

varies considerably. At one end of the spectrum is the practice in the Maldives, where the Ministry of Finance has the authority to adjust the Majlis budget just as it does that of any government ministry. Sri Lanka delegates reported a somewhat similar situation, where “the Head of Treasury imposes a routine percentage cut on the expenditure on all government ministries and departments. Thus the estimates of the Parliament may also be subject to this routine cut. This year, 2007, a considerable percentage of expenditures was cut by the Treasury.”⁵

Pakistan delegates reported that their parliament has greater power over its budget. “Both the Senate and the National Assembly develop and approve its own budget” and “The Parliament has actual and effective control over how this budget is spent.”⁶ In India too, “The parliamentary budget is voted by Parliament with no sanctions exercised by the Executive.” The delegation stressed the independence of parliamentary finances by noting that “no cut motions or any discussions relating to the Budget of Lok Sabha /Rajya Sabha and its Secretariat is allowed on the floor of the House.”⁷

Parliament's salaries: Still under the topic of financial independence and accountability, the Zanzibar report recommends that “the remuneration package for Parliamentarians should be determined by an independent process.”⁸ Setting salaries through an independent process can shield MPs and their leaders from charges of self-interest, and can be done in a transparent and defensible manner. In the UK, the Senior Salaries Review Body makes recommendations about salaries for MPs, as well as for budgets for constituency offices. In Canada, MP salaries were tied to those of the Chief Justice of Supreme Court. But after the Chief Justice was granted a large (15-20%) salary increase, Parliament decided to uncouple their salaries. MPs salaries are now on par with the public and private sectors – with increases for the rate of inflation.

⁵ “Financial Independence and Accountability of Parliament,” Report by Sri Lanka delegation to the Asia and India Regional Workshop on the Administration and Financing of Parliament, Male, Maldives 2 – 5 April, 2007, pages 1-2.

⁶ “Administration and Financing of Parliament Position Paper,” Research Cell, Senate of Pakistan, Page 15 (Presented at Asia and India Regional Workshop on the Administration and Financing of Parliament, Male, Maldives 2 – 5 April, 2007)

⁷ Talking Points on ‘Independence and Integrity of Parliament for use by the Indian Delegates to the Asia and India Regional Workshop on Administration and Financing of Parliament, Male, Maldives, 2-5 April, 2007, Page 2

⁸ Administration and Financing of Parliament, Page 13

According to the information presented at the Workshop, salaries for MPs are set by the parliaments, by executives, or both – not by outside independent boards. In the Maldives parliamentary salaries are set by law. India has a joint parliamentary committee for salaries and perks which is empowered to make recommendations to the government. The government scrutinizes the recommendations and sends them to the Finance Ministry, where final decisions are made.

Parliamentary Service

Parliaments should be served by a professional staff independent of the public service and dedicated to supporting Parliamentarians in fulfilling their constitutional role.⁹

The Zanzibar Study Group further recommended that the parliamentary service be properly remunerated; that retention strategies be put in place; that terms and conditions for parliamentary service be based on the needs of the legislature and not be constrained by those of the public service; and that the parliamentary service include not just procedural specialists, but staff with specialized expertise (e.g., finance, ICT, research, etc.).

Workshop discussions did not cover in any detail staff salaries or expertise, but did address their independence from the executive. Staff of the Pakistan Parliament is recruited by the respective secretariats either through direct appointment, or by deputations from various government ministries or the judiciary – so there is some mixing of parliamentary and non-parliamentary staff. The Pakistan Senate and Assembly regulate their own staff recruitment and terms of service. In doing so, however, they follow the Establishment Code of the Government of Pakistan for regulating the conditions of service, “subject to such modifications, variations or exceptions, if any, as the Speaker may, from time to time, by order specify.”¹⁰

⁹ Ibid., page 14

¹⁰ “Rule 12 of the Senate Recruitment Rules 1973,” Senate Secretariat, Islamabad (2003) Pages 11 – 12.

Public Accountability

The corporate body should publish an annual report on its work on behalf of the Legislature including information on the audited accounts and budget estimates.¹¹

The Zanzibar Study Group also recommended that parliaments develop an information strategy detailing how their operations are to be communicated to the general public; that they develop programmes to promote the general public's understanding of the work of the legislature (and, in particular, to involve school and increase their awareness of citizenship issues); and that corporate bodies should ensure that the media are given appropriate access to the proceedings of Parliament without compromising the dignity and integrity of the institution.

Canada's Senate publishes quarterly reports, providing information to the public on all contracts and all other financial matters related to the House. In conformance with the Senate's concerns with the separation of powers between the executive and legislative branches, the Auditor General does not have authority to audit the spending of the Senate. Instead, the Senate uses an independent, outside audit firm to audit its spending.

According to information shared at the Workshop some parliaments publish annual reports on their spending and or activities (Sri Lanka, e.g.), while others fulfill their public accountability requirements by submitting to regular audits conducted by auditor generals. The Comptroller and Auditor General of India audits the parliament's accounts as it does all other expenditures from the consolidated fund. In fact, the Comptroller and Auditor General, "has stationed permanently an audit party for audit of accounts of Parliament Secretariat, which is housed in the Parliament House Annex."¹² The Comptroller and Auditor General also conducts a yearly audit of Parliament. Similarly, in Sri Lanka and other participating parliaments, the AG audits the spending of parliament. In most cases the AG is appointed by the Executive branch.

¹¹ Administration and Financing of Parliament, Page 14

¹² "Brief on 'Financial Independence and Accountability'" Page 4

Delegates described ways their parliaments are open and accountable to the public. These include, for example, a 24 hour television channel covering India's Parliament, and hundreds of media outlets covering national and state parliaments in India. While parliamentary plenary sessions are generally open to the media, committee sessions usually are not. Several delegates stated that they are in need of Freedom of Information laws – to make the parliament more accountable, and the executive as well.

The Maldives Majlis publishes its proceedings on the World Wide Web and the Secretary General of Parliament gives a summary of the day's events to the public each evening on television. The Majlis has an education division, which conducts programs to educate citizens and school children on the parliament. Parliamentary traveling seminars reach out to school children, with the Speaker himself taking questions from children. On Constitution Day (December 22) Parliament opens its doors to the public to raise awareness of its functions.

Conclusion/Summary

Parliaments in the region have not established the kind of corporate bodies recommended by the Zanzibar Study Group, but, in some cases, (Sri Lanka, for example) committees carry out some of the responsibilities of corporate bodies. The most common pattern in the region is for Speakers, rather than corporate bodies, to be responsible for overseeing the administration and management of parliaments.

A number of delegates raised concerns about the term "corporate body", and felt that it carried negative connotations. They recommended using terms like "parliamentary service committee" or "parliamentary management committee" as being both more descriptive and less laden with negative connotations.

Parliaments had a fair level of independence in setting their budgets, but, for the most part, Speakers or Secretary Generals (not corporate bodies or parliamentary service commissions) are responsible for determining those budgets. Finally, parliaments are

publicly accountable for their spending, but this accountability is via Auditors General who audit the parliament.

APPENDIX A

Asia/India Regional Workshop on the Administration and Financing of Parliament, Maldives April 2 to 5, 2007

Recommendations

The participants from the Asia/India Regions of the Commonwealth Parliamentary Association (CPA) endorsed the [Report of the Study Group on the Administration and Financing of Parliament \(the 'Zanzibar Report'\)](#).

The CPA should continue to promote the concept of financial autonomy for legislatures and use its influence to create a better understanding amongst members of the Executive as to the proper relationship with the Parliament. Participants also identified the need to raise awareness amongst Parliamentarians of the importance of parliamentary independence and the proper discharge of their responsibilities.

It was agreed that, where a legislature enjoys administrative and/or financial autonomy, it must demonstrate best practice and responsible use of this authority.

The CPA should provide:

- Further support to Commonwealth legislatures seeking to establish and strengthen the governance of Parliament through an independent parliamentary management committee [corporate body];
- Training and professional development opportunities for parliamentary management committees [corporate bodies];
- A publication, in line with the Zanzibar recommendations, for members of such governing bodies to assist them in the discharge of their administrative and financial responsibilities, including the development of comprehensive financial controls. The publication should also include a template for a parliamentary Human Asset Management strategy and a range of mechanisms for demonstrating the internal and external accountability of parliamentary management committees.

Appendix B

Workshop Participants

India

Shri Kirip Chaliha, MP
Smt. Ranjeet Ranjan, MP
Shri Bikram Keshari Deo, MP

Maldives

Mr. Ibrahim Saleem, MP
Ms Fathimath Dhiyana Saeed, MP
Mr. Mohamed Shihab, MP
Mr. Ahmed Zubair, MP
Mr. Ibrahim Mohamed Solih, MP
Mr. Ibrahim Shareef, MP

Pakistan

Senator Mrs. Bibi Yasmeen Shah
Senator Mrs. Rehana Yahya Baloch
Senator Mr. Sardar Muhammad Jamal Khan Leghari
Joint Secretary Mr. Muhammad Ashraf Cheema

Sri Lanka

Hon. (Mrs.) A. R. Anjan Umma
Ms. Govindasamy Thatchanarany
Hon. N.H. Rjitha Harischandra Sanaratne

Bangladesh

Mr. Manzoor Hassan
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