

# ESSENTIALS

Synthesis of Lessons Learned

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## Assisting Legislatures

### Background

Assisting legislatures is a relatively new but rapidly growing area of donor activity. Until recently, many donors were reluctant to extend assistance to legislatures since legislatures were viewed as highly political institutions under sovereign control. This perception changed with the growth of countries experiencing sweeping social, political and economic changes and democratic reform.

Legislative activities have a direct impact on the political environment that supports and encourages sustainable human development (SHD). Strong legislatures help to ensure democracy, the rule of law, human rights and an efficient marketplace.

### Concept: What is Legislative Assistance?

Legislative assistance refers to activities that help legislatures, both in presidential and parliamentary systems, to become more efficient, effective and democratic. The activities focus on the three basic functions of a legislature: (a) representation of the people; (b) oversight of the public sector; and (c) lawmaking.

To address the function of representation, legislative assistance may include mechanisms for enhancing the relations between the legislators and their constituents and support to external actors that influence the legislature and monitor its activities. This group includes other branches of government and political parties as well as non-governmental organizations (NGOs), citizen groups and the media.

Support activities for the oversight and lawmaking functions often focus on the imbalance between the executive and legislative branches of government, strengthening the oversight function, and improving the capacity of legislative bodies and other partners to prepare and review legislation.

Such assistance may also address the internal technical capacity of the legislature by improving its administrative procedures and information management systems and providing training programmes for both legislators and support personnel. (*For information on specific types of legislative assistance, see annex I of this issue posted on <http://intra.undp.org/eo> under Lessons Learned or on <http://www.undp.org/eo> under Essentials.*)

## Lessons Learned

### 1. Understanding and anticipating changes in the socio-political context are keys to successful legislative assistance.

Legislative development efforts often take place in extremely complex socio-political contexts. Frequently, legislative assistance is provided in the aftermath of social upheaval or as part of efforts to introduce democratic traditions. The electoral process, shifts in institutional leadership and sudden social or cultural changes can weaken or nullify assistance efforts. On the other hand, the timing and the nature of the changes can be advantageous to legislative assistance programmes.

#### What to do?

The programme partners should undertake a careful analysis of the socio-political context before designing assistance projects. An in-depth understanding of the political context will help planners to identify key actors and risks associated with a project. The most important factor in determining potential success is high-level political will for legislative development.

Assistance is most likely to succeed where the Government wants democracy but lacks expertise. If leaders have little interest in sharing power, it is unlikely that classic efforts to promote democracy will be fruitful. A change in political power can also have a negative effect on on-going assistance.

The role played by a donor country office can be important in launching legislative assistance programmes. Where possible, the office should have someone on the staff who knows the principal political actors personally and who can operate in a highly charged political environment. The leadership and personal involvement of the head of a donor mission or country office are often required in dealing with parliament, political parties and the Government. Donor missions should develop their own analytical capability, especially if the legislative development programme is comprehensive.

Project managers should also constantly monitor the situation, try to anticipate changes in the political context and to act accordingly.

*Examples: After the military take-over in 1996, the Government of the Gambia indicated that it would move towards democratization. UNDP then took the initiative to organize a series of national workshops in six key areas before parliamentary needs were assessed. These consultations led to the inclusion of technical assistance in the new country cooperation framework (CCF). (Source: UNDP, Management Development and Governance Division (MDGD) and the CCF for the Gambia)*

*Some single-party States, such as Uganda, still receive considerable donor assistance owing to the perceived opportunities arising from the expressed wish of the Presidency to give the people a larger voice in governing the country. (Source: MDGD and the CCF)*

### 2. Carefully assess the legislative assistance needs of the programme country.

It is crucial to assess the role and functions of the legislature and the interest and commitment among key counterparts, including the political will for parliamentary development. This helps to identify appropriate programme activities and the measures needed to minimize the risks involved before designing the programme. To date, assistance has often been provided for strengthening the internal technical capacity of parliaments, but needs are equally great with respect to the other functions of representation and oversight.

#### What to do?

Do not rush into providing support, even where there is government pressure to respond. In many cases, technical assistance is not what is most urgently needed; the situation may require more advocacy, consultations and dialogue first.

Be selective in what you support. Look at a broad range of needs, including the parliament's capacity to legislate, to ensure outreach to its

constituency and to manage external forces influencing the legislative environment. Needs assessments can be done through in-depth studies of host countries as well as through targeted interviews and workshops with key actors. Ideally, the assessment is undertaken through preparatory activities.

Beware of the tendency merely to replicate practices (parliamentary hearings, for example) that are seen as desirable forms of democracy because such mechanisms may be easily manipulated in unfavourable environments. Instead, planners should focus on the substance and root of the problem and pursue innovative approaches.

Programme managers should also conduct continuous analysis of the political context and the legislature's status over the life of the assistance programme both to determine progress made and to assess changes that have come about as a result of elections and other developments.

***Example:** In Poland, the United States Agency for International Development (USAID) provided support to the legislature in the form of automation, office equipment, training and technical support. The evaluation found that "Assistance should go beyond infrastructure and information needs. As a stand-alone activity this approach is not sufficient in terms of meeting a newly democratic legislature's diverse needs." (Source: Lippman, H. and J. Jutkowitz, CDIE Impact Evaluation No.6, USAID, June 1996)*

### **3. Enhance communication between legislators and their constituents to make the legislature truly representative.**

In many countries, legislators are not accustomed to communicating with their constituents and do not think it important to do so. Often they do not have staff to help them in their districts; they have no tradition of constituent service; and many view constituency

services simply as patronage. Furthermore, legislators often fear constituents' demands, are often unable to address them either because they are not within the legislature's mandate or for other reasons and thus tend to avoid contact with the public. Without close contact with the constituents, the parliament members cannot fully represent the people and may make erroneous assumptions about the needs and wishes of their constituents.

#### **What to do?**

Public forums, media training for legislators and the establishment of public relations offices are some ways of developing the legislator-constituent relationships. It is equally important to open the legislature to the public and provide the media with access to legislative debates.

It is important not simply to organize public meetings but to help to develop the relationship between legislators and the public. Careful planning for events and meetings to avoid embarrassing or painful encounters is recommended. Travel stipends for this purpose should be avoided since they are often used for other purposes.

Campaigns with the media should focus public attention on the importance of the balanced participation and representation of women and men. The media can also be used to promote political ideas, educate voters and mobilize support, especially in rural areas.

***Examples:** In Ghana, the National Democratic Institute (NDI) encourages legislators to meet the public while at the same time protecting members from a public complaint session by focusing on showcasing what the legislature is doing.*

*In Georgia, NDI worked to assist in the creation of a public relations office that now organizes tours for students and regularly invites journalists to attend parliamentary sessions. (Source: Summary: NDI Workshop on Best*

*Practices and Lessons Learned in Legislative Development, October 21-24 1998, Jerusalem.)*

#### **4. Seek and maintain broad-based support from key political agents**

Comprehensive institutional change requires not only the early commitment of high-ranking government officials but also continuous support from key legislators, staff, and political factions. Support from principal political agents will help to reduce the vulnerability of legislative assistance efforts to socio-political changes. Maintaining support through changes in leadership may require adjustments to the approach of the assistance programme.

##### **What to do?**

Ownership of the legislative development process must remain with national institutions; otherwise, key actors will not maintain the efforts they initiated. This can be achieved by establishing ownership for the reform in a multipartisan committee or through government reform initiatives that identify problems, set priorities, and propose future directions. Such groups should continue to play a useful role after the assistance programme's completion.

Both the legislature itself and key government actors have a stake in the programme. If the Government has requested support, donors need to make sure that the legislature, as the beneficiary, is also supportive, and vice versa.

Support can also be built through participatory workshops on legislative development before the programme starts. Where several donors are supporting the legislature or democratic reform, they need to coordinate their efforts to build agreement on and support for the totality of the assistance.

It is also important to work with the Speaker, another presiding officer and other key leadership members through one-on-one discussions without providing them with decisive power or a veto over the programme.

**Example:** *The USAID project on legislative strengthening in Bolivia (1992-1998) helped to establish the Legislative Modernization Committee chaired by the President of the Congress. The Committee, which was composed of political leaders from both houses of the Congress, obtained permanent status and spearheaded electoral reforms in 1997. This effort helped to build internal support for legislative development across parties and chambers. (Source: Johnson, John K. and Robert T. Nakamura, Legislatures and Good Governance, UNDP, 1999 (available from MDGD))*

#### **5. Pilot projects and activities can be beneficial.**

Small-scale support to legislatures can be useful as a means of learning about how the legislature functions, establishing trust with key actors and determining the viability of more comprehensive assistance activities. A programme can be limited and narrowly focused until trust is established with partners and key legislative players become interested and committed to more comprehensive institutional reform. Since it may take months for legislators to digest the experience gained from activities to the point where they are ready to discuss follow-up activities, it is desirable to plan the project in phases and schedule breaks between each phase.

##### **What to do?**

Initial activities such as orientations for new members, short-term training, seminars, workshops, observation tours, internships, and newsletters can be inexpensive interventions at the outset of the programme. Successful interventions should be replicated as part of a more comprehensive legislative reform process.

Support to successful elections can be an entry point for parliamentary assistance and instrumental in building trust. In countries such as Malaysia and Mozambique, the role played by UNDP and the United Nations system in organizing democratic elections paved the way for requests to provide support to the legislature.

The positive effects of electoral support do not last indefinitely and the donor may have to seize the opportunity presented.

Study tours by legislators at the project identification and/or formulation stage can enable them to identify which experiences of host-country partners would be most useful to them. This would contribute to the formulation of better projects. Observation missions and study tours are most effective when they are focused and subject-matter specific and form part of an ongoing programme of work with staff on the ground. This increases the likelihood that what is seen abroad will be adapted and implemented upon return. When organizing study tours, select the countries carefully to make sure that they actually provide a good, relevant example for the participants.

Be careful about raising expectations of continued assistance. The pilot activity may well reveal that more preparatory work is required or that the political environment is currently not favourable to a larger legislative assistance programme.

***Examples:** In Bolivia, USAID began informal support for legislative strengthening through study tours and an assessment of priorities well before initiating a formal bilateral programme. (Source: Modernizing Bolivia's Legislature, CDIE Impact Evaluation No.1, USAID, June 1996)*

*In Guyana, NDI used a programme to develop a parliamentary library in order to establish a presence with the legislature that would lead to other projects. The programme staff worked closely on this project with the clerk of the Parliament Office, who is widely respected as nonpartisan. (Source: Summary: NDI Workshop on Best Practices and Lessons Learned in Legislative Development, October 21-24 1998, Jerusalem.)*

## **6. Strengthening legislatures requires a multidimensional approach.**

Many legislative assistance programmes only support *one* area of the legislature. However,

stand-alone activities are not enough to meet the needs of the legislature as an institution. To be effective, assistance should consider the institutional framework as a whole, including the legislature's relationship with the public and external forces influencing the legislature. In addition assistance should go beyond the organizational development of the legislature and look at the role and capabilities of key socio-political agents to perform their representation responsibilities.

### **What to do?**

Programme planners should ensure that all three basic functions of the legislature (representation, oversight, and lawmaking) are considered during programme formulation. Avoid focusing merely on the internal technical capacity to produce laws; the ultimate objectives relate more to the *effectiveness* of the legislature than to its *efficiency*.

To obtain a commitment to democratic institution-building, programmes may have to include key activities that focus on actors outside the legislature, such as civil society and the media. Such support may involve the development of centres to provide research on legislation issues, analysis and training support for parliament staff, capacity-building of local organizations that promote public awareness or advocate for legislation, and training in media coverage of the legislature and in how to conduct public-opinion surveys, for example.

Programme staff can also work with political parties to assist them in organizing caucus meetings, defining the role of whips and developing party positions and discipline, among other things. Similarly, programmes can include activities involving work with other branches of government to strengthen the relationships between the legislature and the executive branch.

Where a donor is interested in supporting one area only, inter-agency mechanisms should ensure that other donors complement this assistance by focusing on other needs. Assistance can take the form of separate

programmes. It can be part of a specific legislative development project or a broader governance initiative.

***Example:** UNDP support to the Moldova parliament aimed at enabling it to fulfill its role after independence. Activities took place at many levels, including raising awareness through seminars, improving the parliamentary operations and assisting the judiciary in reviewing the constitutional laws. This led to the development of a broader governance programme. (Source: UNDP and Governance: Experiences and Lessons Learned, MDGD; see <http://magnet.org>)*

## **7. Assistance programmes should strengthen the legislature's roles in the oversight of the executive branch.**

An important area of legislative assistance is building executive-legislative relations while maintaining the independence of the parliament. Executive oversight requires constitutional authority, human and financial resources to investigate government programmes and political will. Special efforts should be made to involve the executive branch in assistance programmes so that oversight is a cooperative process and not a policing function. Since oversight is closely linked to the use of finances, work on the national budget is a useful entry point.

### **What to do?**

The national budget is a powerful tool for oversight. Many programmes focus on strengthening a legislature's oversight function through enhancing its capability to review and analyse the national budget and to monitor budget spending by the executive branch. This is often done by working with the Budget Committee, the Public Accounts Committee, the Auditor-General or the equivalent through, for example, training in budget analysis.

Other programmes focus on the legislature's capacity to perform tasks such as research, analysis, and the drafting of bills, which can make it more independent from the executive

branch. In many countries, the executive branch used to draft legislation. Where there is a transfer of this responsibility to the legislature, joint training of both branches can be useful. Also, the judiciary should be involved from a legal and technical perspective.

Some projects have worked directly with the executive branch on policy issues and draft legislation. These projects have attempted to develop relationships between committees and their relevant ministries through workshops. Strengthening the parliamentary committee and hearing system can help to improve oversight, in particular of the implementation of laws by the executive branch.

***Examples:** In Georgia, NDI found that a successful strategy has been to invite ministers to attend workshops and to meet with individual ministers to keep them apprised of developments and issues relating to the preparation of the budget or specific laws. (Source: Summary: NDI Workshop on Best Practices and Lessons Learned in Legislative Development, October 21-24 1998, Jerusalem.)*

*In Bolivia, a USAID programme helped staff to become more capable of analysing the budget and increased the legislature's involvement in an area that had previously been the sole preserve of the executive branch. (Source: Modernizing Bolivia's Legislature, CDIE Impact Evaluation No. 1, USAID, June 1996)*

## **8. Use low-key, non-partisan approaches to minimize risks in politically-sensitive situations.**

To reduce political risks, assistance should be non-partisan, i.e., not favouring any political party. In selecting potential partners, attention should be paid to political biases that could jeopardize the perception of the neutrality of the assistance programme. The assistance should focus on the needs of the parliament, *not* on the political parties represented.

### **What to do?**

Some successful programmes have involved a steering committee or advisory board where all blocks of parliament are proportionally represented.

Another approach is to work with existing legislative committees that are composed of members of different parties. Training, travel and equipment should be distributed fairly among all parties and factions by, for example, carefully assembling groups of legislators or staff so that they include different parties and interests.

The composition of the programme management may also play a role. Programme activities can be suspended if this is made difficult by one or more of the groups involved.

Another non-partisan approach is to establish women's committees and other machinery accountable to the legislature. This provides opportunities for women deputies to gain experience and for women's issues and perspectives to be debated and publicized. (*For information on gender concerns in legislative assistance, see annex II of this issue posted on <http://intra.undp.org/eo> under Lessons Learned or on <http://www.undp.org> under Essentials*).

**Examples:** *In order to avoid partisanship, NDI consults not only with the Speaker but all the parliamentary party whips in South Africa; in Nepal, it works with a multiparty group established as a liaison for NDI projects. (Source: Summary: NDI Workshop on Best Practices and Lessons Learned in Legislative Development, October 21-24 1998, Jerusalem.)*

*The UNDP country office in Mozambique provided support to the parliament following the elections. In a training programme that included different party members, the partisan aspect was downplayed by never referring to the different political parties. Instead, the parties were given names of colours, e.g., the "blue group", the "red group", etc. (Source: MDGD)*

*In Honduras, USAID stopped a small legislative assistance programme after the leader of the legislature replaced the non-partisan*

*professional staff of the policy unit with party members who did not have the requisite skills.*

## **9. Programme design and management should be flexible.**

Experience in assisting legislatures has shown that, especially in policy areas, the more specific and ambitious the objective, the less likely it is that that goal will be realized, especially within a limited time frame. This is owing to information in project planning and political factors beyond the planners' control. Therefore, flexible programme design is important in order to respond effectively to unanticipated changes; seize opportunities when they arise; and modify programme strategies to incorporate participant and staff feedback, suggestions and lessons learned from periodic evaluations. Flexibility may mean increasing or decreasing the pace and direction of the activities or even ending the programme.

### **What to do?**

Programme planners should agree on a range of desirable goals and try to set precise objectives to the extent possible. Planners can also conduct a risk assessment for the specific goals to facilitate realistic design. Mechanisms should be envisaged from the outset for revising the project document and modifying objectives and activities.

When evaluating progress, the management should keep in mind that results of legislative assistance are not always tangible. One of the main contributions may be increasing participants' confidence and heightening the sense of their capacity to handle matters. Psychologically, the effect can be seen as a form of empowerment.

Monitoring and evaluation should be part of the programme design and necessary tools should be developed. For example, it is important to identify with some precision the kinds of indicators that should be collected to assess how effectively the goals are being/have been achieved. (For information on possible indicators for legislative assistance, see annex III of this issue posted on <http://intra.undp.org/eo> under Lessons Learned or on <http://www.undp.org> under Essentials).

***Example:** In Russia, the Parliamentary Centre has found that much of the value from the activities of the Canada-Russia Parliamentary Programme has resulted from unanticipated opportunities resulting from the establishment of good working relations. The Centre carefully monitors the impressions formed by participants in every visit and seminar; maintains contact with previous participants, who can suggest productive areas for future activity; and makes continual efforts to match their experience with challenges faced by the Russian legislature.*

## **Selected Readings**

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USAID Center for Development Information and Evaluation (CDIE). Assisting Legislatures in Developing Countries: A Framework for Program Planning and Implementation. Washington. February 1998.

## **Contact Institutions**

### **Asia Foundation**

San Francisco, California  
Tel: (415) 982-4640  
Fax: (415) 392-8863  
E-mail: [webmaster@asiafound.org](mailto:webmaster@asiafound.org)  
<http://www.asiafoundation.org>

### **Development Alternatives, Inc. (DAI)**

Bethesda, Maryland  
Tel: (301) 718-8699  
Fax: (301) 718-7968  
E-mail: [info@dai.com](mailto:info@dai.com)  
<http://www.dai.com>

**International Institute for Democracy and Electoral Assistance (IDEA)**  
Stockholm, Sweden

Tel: (46-8) 698-3700  
Fax: (46-8) 20-24-22  
E-mail: [info@idea.int](mailto:info@idea.int)  
<http://www.idea.int>

**Inter-Parliamentary Union (IPU)**

Programme for the Study and Promotion of Representatives Institutions

Geneva, Switzerland

Tel: (41-22) 919-4130

Fax: (41-22) 733-3141

E-mail: [mch@mail.ipu.org](mailto:mch@mail.ipu.org)

<http://www.ipu.org>

and

821 UN Plaza, 9<sup>th</sup> floor

New York, NY

Tel: (212) 557-5880

E-mail: [ny-office@mail.ipu.org](mailto:ny-office@mail.ipu.org)

**National Democratic Institute for International Affairs (NDI)**

Washington, D.C.

Tel: (202) 328-3136

Fax: (202) 939-3166

E-mail: [demos@ndi.org](mailto:demos@ndi.org)

<http://www.ndi.org>

**National Endowment for Democracy**

Washington, D.C.

Tel: (202) 293-9072

Fax: (202) 223-6042

E-mail: [info@ned.org](mailto:info@ned.org)

<http://www.ned.org>

**USAID Center for Development Information and Evaluation (CDIE)**

**USAID Development Experience Clearinghouse (DEC)**

1611 N. Kent St.

Arlington, VA 22209

Tel: (703) 351-4006

Fax: (703) 351-4039

[http://www.dec.org/usaids\\_eval](http://www.dec.org/usaids_eval)

Evaluation Office (EO) United Nations Development Programme (UNDP)	Telephone: (212) 906 5095 Fax: (212) 906 6008
One United Nations Plaza New York, NY 10017	Intranet: <a href="http://intra.undp.org/eo">intra.undp.org/eo</a> Internet: <a href="http://www.undp.org/eo">www.undp.org/eo</a>

**Annex I.**

**Specific Types of Legislative Assistance<sup>1</sup>**

### **Institutional/ Technical Development**

- Improving quality of drafting of economic laws, decrees and regulations;
- Technical assistance in budgetary analysis and review;
- Assistance to political parties;
- Establishing or strengthening a committee system;
- Provision of equipment, computers, physical infrastructure;
- Development of library collections, electronic classification systems;
- Establishment of research and analysis institutes;
- Internships for university graduates;
- Gender initiatives (such as the establishment of an interparliamentary women's organization or women's caucus);
- Materials and operational support for programmes to improve citizen understanding of the role and function of the legislature in a democratic society;
- Preparation of member directories;
- Review of internal operating rules, committee composition, procedures for disseminating information, codes of conduct.

### **Legislator and Staff Training**

- Observation tours to expose members and support staff to other legislative systems and operations;
- Workshops and seminars to increase staff and member knowledge about their jobs, the legislative process, and the legislature's relationship with the executive and judicial branches;
- Orientation for new parliamentary members;
- Training in policy analysis to support staff and Secretariat;
- Training and skills-building in policy analysis, budget review, drafting of bills and research;
- Publication for members of parliament, the press and the public on developments in legislatures, parliamentary/congressional issues and information on legislatures in other countries;
- Development of ethics rules for legislators and officials of the executive branch.

### **External Forces Programming**

- Support to groups outside the legislature (i.e., civil society and the media) who interact with and impact the legislature and the legislative process;
- Establishment of links between women legislators and civil society organizations (CSOs) to promote a particular agenda in the legislature;
- Development of independent centres to provide research, analysis and training for legislators and staff;
- Building the capacity of local or regional organizations that promote public awareness of or advocate for legislation or monitor legislative developments;
- Training in media coverage of the legislature and how to conduct public opinion research.

### **Constituency Relations**

- Improving legislatures' interactions with their constituents and public in general as well as raising the profile of the legislature;
- Assistance... to establish constituency offices (and professional staff) inside and outside the legislature;
- Training for members on the importance of and developing systems that regularize contact between members and their constituents such as regular travel to the constituency and periodic town meetings;
- Development of rules and procedures that provide public and media with access to parliament buildings and legislators.

**Work on Legislation**

- Development of draft legislation on governance issues such as ethics, elections and the constitution, NGOs, political parties, media, and inter-governmental relations.

## Annex II.

### Gender Concerns in Legislative Assistance<sup>2</sup>

Democratic processes do not always ensure opportunities for women to represent or be represented. Women are underrepresented in parliaments around the world, especially in leadership positions. However, experience from India shows that increasing the representation of women does not necessarily translate into the improved representation of women's interests. There is also evidence that even when there are initiatives in place to ensure the representation of women in legislatures, representation of women can decline. A gender component can increase the political participation of women and strengthen the position of women in parliament.

#### What to do?

**1. Raise awareness using media, NGOs, women's organizations.** "Campaigns with the media should focus public attention on the importance of balanced participation and representation of women and men... An example of this is the Movement for Equal Rights - Equal Responsibilities in Cyprus which aims to promote public awareness that women can be politicians." The media can also be used to promote political ideas, educate voters and mobilize support, especially in rural areas.

**2. Work in partnership with men.** "This entails designing programmes... that take into account men's concerns and perspectives with respect to solidarity with women politicians." There is a growing realization "that women need the support of their male colleagues, partners, and electorate to enhance the effectiveness of their strategies and increase the value of their social and political message."

**3. Enlarge the pool of eligible, aspirant women.** "Enhancing women's interest in becoming politicians" and "increasing their involvement in politics... are partly a matter of access to general resources such as education, income, time, and partly a matter of specific resources such as knowledge and information about politics and political experience. Policies to enhance women's access to higher education, to paid employment and to various social and economic organizations provide a context for political participation that is increasingly hospitable to women."

**4. Take positive action; press for positive discrimination.** "Quotas have been particularly effective in increasing women's presence in legislatures" although such practices have been rare in politics. Measures such as "recommendations, arguments, and the threat to press for quotas" can succeed in setting targets for a threshold of female representation. In Sweden, women successfully put forward women's names, promoted women candidates, "...issued proposals to get women into better positions on party lists... acted as watchdogs and protested whenever reversals occurred." Governments can also use incentives. For example, the Dutch Government, which funds political parties, was able to make financial support for political parties dependent on their efforts to increase the proportions of women in their electoral bodies.

**5. Caucus and network.** "This allows women members of parliament to share information, ideas, resources and support. Networks may be party-based, cross party (very rare), local, regional, international. Meetings, conferences, seminars, newsletters and electronic mail links are useful networking devices." Building ties and having "consultations with women's organizations... enable women MPs to target their efforts to activities that will be most useful and effective." On the other hand, in India, there has been limited interaction between women representatives and the women's movement and little success in uniting women across party lines. Some argue that these are obstacles to increasing the effectiveness of women in parliament.

**6. Establish women's committees and other machinery that is accountable to the legislature.** “This provides opportunities for women deputies to gain experience and for women's issues and perspectives to be debated and publicized.” For example, in South Africa, the Deputy President established in his office an Office on the Status of Women (OSW) to oversee and coordinate policy on women at the national and provincial levels. These and other efforts have resulted in greater access to services such as medical care.

**7. Collect, monitor and disseminate statistics and facts about women's political participation and representation.** “This enables women's advocates in parliament to analyse the position of women in decision-making and to define problems, devise appropriate solutions and seek political support for their preferred solutions. In particular, a collation of data on how women MPs have managed to make a difference through their legislatures is an ongoing need.”

**8. Mainstream gender issues.** “Ensure that gender issues are integrated within different political, social and economic concerns, in order to reveal the interdependency and linkages with other issue areas.”

### **Annex III.**

#### **Possible Indicators for Legislative Assistance Programmes<sup>3</sup>**

- “Strengthening of/steps towards democratically elected federal/provincial/local legislatures
  - increased number of functioning legislatures/legislative committees
  - more timely legislative work
  - greater legislative control over government decisions, budgets and appointments, etc.
- increased laws drafted/enacted by legislatures (number of bills, hearings, etc.) regarding civil and political rights and socio-economic and cultural rights
- increased ratification and implementation of international human rights treaties
- regular government assessments (in collaboration with NGOs) of country’s human rights situation and submissions to UN human rights treaty bodies [including the] Commission on Human Rights, Committee on Economic, Social and Cultural Rights, etc.)
- greater parliamentary/legislative consultation with citizens:
  - parliamentary commissions
  - number of citizens being consulted
  - survey of citizen/NGO opinions on draft laws
  - per cent of citizens/NGOs who believe they are being represented by/have access to MPs[members of parliament]/MLAs [members of legislative assemblies]
- increased opposition party power and independence in legislature:
  - extent of debate
  - review of legislation
  - inclusion on legislative committees”.