

# Measuring *Ex Post* Parliamentary Oversight

## Technical Brief Presenting Key Issues

### Introduction & Background

New research presents a comparative framework to assess *the ex-post* oversight capacity of national legislatures. When used in conjunction with Wehner's index (2006) on *ex-ante* legislative oversight, the research provides a comprehensive assessment of parliamentary oversight of the budget process. By considering parliament's role and highlighting oversight tools and mechanisms with enabling contextual factors, the new research developed an index to measure cross-national variations in legislative oversight based on survey data from the IPU and the World Bank.

Oversight involves the role of the legislature in tracking and overseeing public expenditures—budget *implementation*—rather than in budget formulation. We consider oversight in terms of enabling factors, such as research capacity in parliament and the Stapenhurst-Pelizzo Index of Legislative Oversight, or SPILO (Pelizzo and Stapenhurst, 2014), which measured oversight capacity in countries with congressional forms of government. This research extends the SPILO framework to include a broader range of factors and uses more up-to-date data, mostly collected by the Inter-Parliamentary Union between 2015 and 2016.

**Internal Oversight Tools.** There are four internal oversight tools:

- ***Committees and special commissions of inquiry:*** Committees and Commissions of Inquiry allow in-depth and technical debate without grandstanding. Committee investigations become reports to the legislature, which may be debated in plenary or published with the possibility of government follow-up. Some legislatures have specialized audit or Public Accounts Committees (PACs) that work closely with the Supreme Audit Institution (SAI) and enhance *ex-post* budget and policy oversight of other committees. Political parties can influence committees with strong party discipline or single-party dominance, potentially weakening committees and oversight.

Committees can be enhanced by civil society and academics, and evidence gathering committees may be held in public.

- ***Confirmation of appointments, no confidence, censure, and impeachment:*** The legislature commonly confirms executive appointments in presidential systems and some semi-presidential and parliamentary systems, and may have the power to remove or impeach the appointed. Some parliamentary systems allow for no-confidence votes.
- ***Chamber questions and interpellations:*** The right to question ministers orally and in writing is a traditional form of oversight in parliamentary and semi-presidential systems. Questions criticize the government, expose abuses, and seek redress and interpellations.
- ***Chamber debates in plenary:*** Chamber debates facilitate collective decision-making and are oversight mechanisms when there is time, when the opposition is involved, when it occurs in plenary, when it is open to the public, and when there are nonpartisan and professional presiding officers.

**External Oversight Tools.** There are two external oversight institutions:

- ***Supreme Audit Institutions:*** SAIs undertake financial, legal (compliance) and, often, performance ("value-for-money") audits of government revenue and spending. The legislature depends on the SAI submitting reliable and timely information, while the SAI depends on the legislature to provide a public forum for presenting and discussing audit results. The legislature approves the SAI's budget and often appoints or approves the Auditor-General. There are three broad external audit models: the Westminster/Parliamentary model, the Board/Collegiate model, and the Judicial/Napoleonic model.
- ***Ombuds offices:*** The ombuds office represents the interests of the public by investigating and addressing complaints reported by individual citizens against public authorities, including human rights and corruption. Sometimes the ombuds office investigates an administration at the legislature's request or can initiate criminal prosecutions.

**Enabling Factors.** Enabling factors within parliament that encourage oversight include:

- Autonomy
- A permanent staff
- Research capacity
- Chamber leadership and control
- Administrative capacity
- Parliamentary agenda control and time
- A strategic plan

**Contextual Factors.** Contextual factors impact the environment within which oversight is undertaken, and include:

- Legal provisions for parliamentary oversight
- Legislative power to impeach or dismiss the head of government
- Social legitimacy of parliament
- Level of democracy

### **Conceptual Framework**

This index determines the capacity of parliaments in *ex-post* oversight by considering effectiveness, more specific contextual, oversight tools, and enabling factors. Contextual factors are driven by national social-political history and public trust in parliament more than "best practices."

### **The Data**

The IPU's PARLINE database, which collects information on the structures of 270 parliamentary chambers, along with other recent IPU data, World Bank Institute surveys on executive-legislative relations and the World Values Survey were used to develop scores for each of 27 variables that comprise the index. Variables were grouped into three sub-groups:

- 1) **The Tools for Oversight:** Variables placed in this sub-group were checked to determine whether essential oversight mechanisms to hold the executive to account were present through external and internal oversight tools. The index also assesses the strength of the oversight tools present; for example, do Ombuds powers go beyond mediation and conciliation to criminal prosecution initiatives.
- 2) **Enabling Factors:** Variables placed in this category help strengthen the legislative oversight function and assess the political and resource autonomy of parliament vis-à-vis government.
- 3) **The Context of Oversight** regrouped all variables by the institutional arrangements that structure parliamentary oversight in a country, for example, by variables assessing the legal source of legislative oversight, the social trust in parliament, mechanisms for citizen participation in legislative oversight.

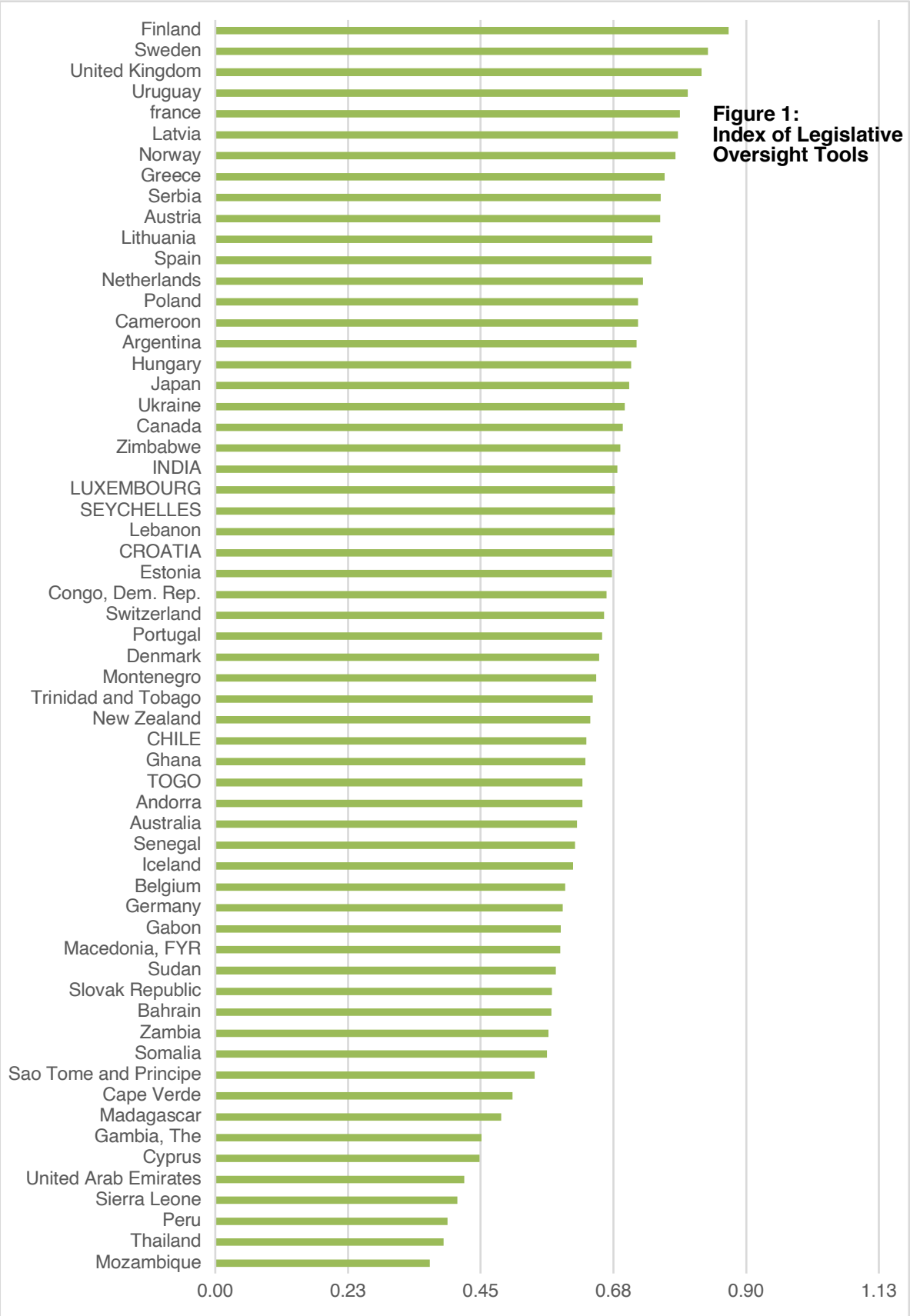
## Results and Discussion

As a result of this research, an *Ex post* oversight index for 60 legislatures around the world has been developed in which high scores reflect high parliamentary oversight capacity and effectiveness while low scores reflect low capacity and effectiveness. The highest scoring parliament is Finland, with a score of 0.87, followed by Sweden (0.84) and the United Kingdom (82), while the lowest is Mozambique, with a score of 36 and Thailand and Peru, each with 39. See Figure 1.

### Discussion

From a qualitative perspective, the index makes sense. Key findings include:

- With one exception—Uruguay—, the top 14 countries have developed economies, while 12 of the bottom 14 countries are developing countries;
- Stronger parliamentary oversight *is* associated with higher levels of economic development;
- In Westminster and francophone parliamentary systems, the archetypes have stronger oversight than countries adopting these systems;



- Parliamentary forms of government have stronger oversight than semi-presidential, which has stronger oversight than presidential forms of government.
- Results are consistent with the African Parliamentary Index;
- The index supports Pelizzo and Stapenhurst's (2013) analyses of oversight in presidential systems, with oversight most robust in Argentina and Uruguay, lower in Chile and lowest in Cyprus.

## **Conclusions**

This measure of parliamentary ex-post oversight power is both academic and practical for cross-national research and legislative capacity building. While there have been previous efforts to construct an index of legislatures' ex-ante powers and some research on ex-post oversight powers, this is the first published quantitative index measuring legislative ex-post oversight power. This index is robust and delivers results that can be checked against individual country case-studies and with the use of statistical tests. It provides a methodological tool for investigating various cross-national patterns in legislative oversight. The results are not intended to replace national case studies, but rather an index to lead to additional country-specific research to better understand legislative oversight.

The research suggests that legislative oversight is stronger in parliamentary systems than in semi-presidential or presidential systems because of more significant legislative and budget autonomy and debate time allowed in plenary. Research also suggests that presidential and semi-presidential systems have more effective oversight, while the enabling factors in parliamentary systems appear to support oversight also effectively. The need for global knowledge and information exchange is apparent.

A country's political context influences policy-making in legislative capacities. Further research should be conducted to examine the contextual variables that impact the environment within which, and how a legislature functions.

## References

Pelizzo, Riccardo, and Frederick Staphenurst (2014) "Government Accountability and Legislative Oversight." New York and London: Routledge.

Wehner, Joachim (2006) "Assessing the Power of the Purse: An Index of Legislative Institutions." *Political Studies*. 54 (4): 767-85

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Full research results on the Oversight Index can be found at Rick Staphenurst, Thomas Eboutou, and Kerry Jacobs (2019), "Developing an Index of EX-POST Parliamentary Oversight of Public Finance" *The Journal of Legislative Studies*, Vol. 25, No. 1. Additional research results can be found at Staphenurst, Rick Rasheed Draman, Brooke Larson, and Anthony Staddon, editors (2020) "Anti-Corruption Evidence: The Role of Parliament in Curbing Corruption" New York: Springer.