

Report on

STRENGTHENING PACIFIC PARLIAMENTS:
Legislative Reform Program for Pacific Island Countries

United Nations Development Program

October-November 2003

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Abbreviations

ADB	Asian Development Bank
APH	Australian Parliament House
CBO	Community Based Organisation
CIDA	Canadian International Development Agency
CPA	Commonwealth Parliamentary Union
CSO	Civil Society Organisation
EPOC	ESCAP Pacific Operations
EU	European Union
FICs	(Pacific) Forum Island Countries
FPOC	Forum Presiding Officers Conference
GOLD	Governance for Livelihoods and Development Project
IPU	Inter-Parliamentary Union
JICA	Japan International Co-operation Agency
LNA	Legislative Needs Assessment
MFAT	(New Zealand) Ministry of Foreign Affairs and Trade
MP	Member of Parliament
NGO	Non-Government Organisation
NSA	Non-state actor
NZPH	New Zealand Parliament House
PFTAC	Pacific Financial Technical Assistance Centre
PIF	Pacific Islands Forum
PISF	Pacific Islands Speakers Forum (obs.)
PRC	People's Republic of China
UNDP	United Nations Development Program
UNIFEM	United Nations Development Fund for Women
VNCW	Vanuatu National Council of Women
VANWIP	Vanuatu Women in Politics

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1.0 Executive Summary

A core problem in Pacific Island countries, identified by the UNDP (GOLD) project over the past 3 years, is the apparent weakness of systems of democratic governance that should be participatory, accountable, transparent, efficient, equitable and based on the rule of law. Indeed, Pacific legislatures – arguably, the major institution of the state in the majority of Pacific countries - have been depicted as weak and less than effective mechanisms of governance. While certain functions of parliamentary governance can be seen to operate effectively, key stakeholders in each country surveyed in the course of the eight Legislative Needs Assessments (LNAs) undertaken so far highlighted serious obstacles to the effective operation of the legislature, the apex of the Westminster system. Factors such as the lack of enabling political cultures, the capacities of elected representatives and the de facto dominance of the executive arm of the government were seen to be the major obstacles to good parliamentary governance.

Although most of the Pacific Islands countries surveyed during the Legislative Needs Assessments shared the mantle of colonialism until at least the 1960s, the operation of their political systems varies greatly. The details of each country's colonial history are too numerous to list here, but the democratisation of the Pacific has been a diverse process. In each country surveyed during the Legislative Needs Assessments, certain principles were in evidence. The majority of political systems were derived from Westminster style systems, local variations notwithstanding. For example, each country operated under the principles of the separation of powers. The major exception to this case was the Kingdom of Tonga, which adopted certain functions of the Westminster system but has actual, executive power vested in an activist monarch. In addition, select Micronesian states, such as Palau, more closely resemble the Washington model. Although never under American authority, Kiribati's legislature combines elements of both models in that the Beretienti (President) is both head of government (as a Westminster prime minister would be) and head of state (as a Washington president would). The Republic of Marshall Islands, conversely, has a system of largely Westminster origin, despite its emergence from American dominance. In size, geography and vernacular language, Pacific island countries also vary greatly.

While the countries under review have differing constitutional histories and systems of government, certain common obstacles to lawmaking, oversight and representation unify them:

- § In each country, parliaments are seen to be subordinate to the imperatives of the executive because of weaknesses in the oversight function of national parliaments. In particular, in few instances do ministers respond to queries raised by constitutional oversight offices such as ombudsmen and auditors-general or by parliamentary oversight mechanisms, such as standing committees. Elsewhere, such institutions are non-existent or weak.
- § Lawmaking procedures are hampered by the limited capacity of MPs to comprehend legislation under review and the weak support mechanisms – such as legal counsel and explanatory notes - available to them, inadequate consultation with relevant civil society organisations and local communities on community relevance and by the regular suspension of standing orders by governments intended to expedite the legislative process.
- § Several countries were without codes of conduct or registers of members' pecuniary interests.
- § Parliament-constituency relations were perceived to be generally weak because of the limited cognisance among constituents of the roles of parliamentarians, the general lack of knowledge about the day-to-day activities of parliaments among constituents and the relative rarity of constituency visits by MPs. Furthermore, in each country surveyed, civil society organisations (CSOs) suggested that they had generally poor relations with MPs.
- § Underpinning each of these issues is the relative weakness of formal and informal parliamentary support mechanisms. In particular, most secretariats were understaffed or under-skilled for the tasks required by their office, secretariats were generally poorly informed about the international protocols to which their governments were signatories and often without the required technology to access those disseminated by,

for example, the Pacific Islands Forum (which distributes protocols and communiqués via CD-ROM).

- § Such problems were partially functions of the current constitutional arrangements for Pacific parliaments, under which they are beholden to the dictates of the executive during budget rounds or house business committees, which de-prioritise parliamentary funding requirements.
- § Women's advocates and allied stakeholders considered women's roles in public decision-making throughout the Pacific to be deficient. Generally, women entering politics face local cultural obstacles and gender bias, bolstered by trenchant opposition from men in parliament. Although women are increasingly accepted in general decision-making roles across the Pacific, they are poorly represented in elected office.

While unified by shared obstacles to good parliamentary governance, Pacific island countries have different systems in place, different colonial histories and are of different sizes. The consultants recognise that UNDP has comparative advantage in regional programming over allied development agencies because of its international networks and regional approach. However, it is important not to ignore the particular national and sub-regional issues. An eye for such differences is crucial to ensuring appropriate institutional reforms and capacity building programs are instituted. The report will therefore make recommendations about appropriate and sustainable regional and national strategies to support Pacific parliaments, both through multilateral and bilateral support programs.

Since the inception of the research phase of the Legislative Needs Assessments in 2000, the consultants engaged by UNDP have documented the legislative frameworks, infrastructure and performance of Pacific parliaments with a view to outlining areas for institutional reform, support or capacity building programs which will make Pacific legislatures effective in these three core duties. According to Johnson and Nakamura, the rationale of legislative assistance is:

less turning a legislature into a meta-UK Parliament or meta-US Congress, than helping [it] develop the capacity to become more representative, more effective at lawmaking, and more capable of oversight. The exact uses to which these enhanced functions will be put are supposed to be decided by the parliamentarians themselves and the final stage of development is to be shaped by their aggregated choices over time (Johnson and Nakamura 1999: 2).

To this end, it is the intention of this report to provide a baseline of information on common themes relating to the core functions of Pacific legislatures, specifically relating to their functions of lawmaking, representation and oversight of the executive arm of government and to attempt to facilitate a greater role for women in public decision-making in the PICs. The research methodology for this report was based on a survey of relevant UNDP documents on parliaments, a review of all eight Legislative Needs Assessments conducted to date and national workshop reports for MPs including national consultative forums to discuss the LNA findings. Included was a review of the annual reports of the Forum Presiding Officers Conference including reports of its early establishment and project proposals for a strengthened future role. This was augmented by consultations with GOLD staff, UNDP Country Offices, Pacific Island Forum Secretariat, PIC legislatures, government focal points, and other regional institutions and donors including CSOs that have already worked with GOLD during the LNAs and are potential partners in future parliamentary support work. The interview schedule is included as Appendix B. The report was edited and reviewed by a committee with regional expertise on governance.

This report is divided into four main sections, not including appendices.

- § Section one provides an overview of the report, the rationale of parliamentary strengthening, and a summary of issues common to Pacific parliaments,
- § Section two provides a summary of recommendations made in this report on areas for institutional strengthening, capacity building and regional coordination. These are organised by the area for reform established during the LNA phase, such as 'Lawmaking procedures', and sub-divided between initiatives that should be taken immediately and those that are ongoing or long-term.
- § Section three provides an overview of the Legislative Needs Assessments (LNAs), the specific findings of this report and concrete sets of initiatives aimed at strengthening Pacific parliaments.
- § Section four provides a review the Forum Presiding Officer's Conference and the recent proposal to establish it as a stand-alone secretariat to coordinate parliamentary strengthening projects in the Pacific and makes recommendations about its future role.

The attached appendices are:

- § The Mission Terms of Reference;
- § The consultation program undertaken; and,
- § The consultants' bio-data.

The consultants would like to extend their thanks to Mr Mosese Dakunivosa, the Governance Specialist of the UNDP (GOLD) Project, who co-ordinated consultations with civil society stakeholders and donors, Gary Wiseman, the acting Program Director of the GOLD project, Ms. Mabel Msika, the Human Rights Specialist and Sophie Naisau, the administrative assistant of the GOLD project, without whose agency the interview schedule would have been impossible. The consultants would also like to thank all those who contributed their ideas on appropriate support initiatives during the consultation phase of the report.

2.0 Areas for Institutional Strengthening, Capacity Building and Regional Cooperation

Effective parliamentary strengthening can be effected through the appropriate application of both regional and bilateral support programs. Many parliamentary strengthening projects, such as institutional reforms to committee systems, will be addressed best through in-depth, country specific programs, acknowledging that information about lessons-learned for reform should be shared between regional partner organisations. Others will be dealt with more effectively through regional programs.

This report places an emphasis on strengthening the secretariats of Pacific parliaments and implementing effective knowledge networks in the region relating to parliamentary strengthening. Strengthening parliamentary secretariats will contribute to the development of sustainable and effective support systems for Pacific representatives. Improved knowledge networks and better information will contribute to greater understanding of the lessons learned in the course of separate but related strengthening projects and remove one of the major impediments to effective and coherent regional approaches to parliamentary

strengthening in the Pacific – the relative lack of information available about parliaments and parliamentary strengthening in the Pacific. While there are many technical issues crucial to strengthening Pacific parliaments yet to be addressed, the initiatives proposed in this report tackle area for reform which underpin overall parliamentary structures and procedures.

Legislative Development Outcomes

The report is designed to provide a baseline of information on appropriate development initiatives at the national and regional levels with related outputs and proposed activities to enable the achievement of these outcomes at both regional and national levels. These outcomes can be summarised as follows:

- § Effective communication networks between regional stakeholders, development agencies and UNDP relating to parliamentary strengthening projects.
- § Strong parliamentary secretariats staffed by educated officers, with appropriate resources at their disposal to carry out their responsibilities effectively.
- § To ensure the sustainability of these functions, secretariats must be guided by appropriate constitutional and legal arrangements for recruitment and finance.
- § Transparent, accountable systems of government in PICs which are:
 - Supported by appropriate legislative frameworks, including codes of conduct and registers of pecuniary interest for members of parliament, policed effectively by constitutional oversight agencies.
 - Effective oversight mechanisms which include effective public accounts committees and the appropriate utilisation of standing orders and other regulations which guide parliamentary procedure.
- § Effective, participatory systems for lawmaking which are able to gauge constituency and industry concerns and convey them to lawmakers.
- § Effective organisations which can convey the aspirations of grassroots people to national lawmakers.

- § Improved access to relevant information relating to parliaments, their procedures and performance for grassroots people to allow for their effective participation in democratic processes.
- § Open and fair systems of parliamentary governance which allow for adequate representation for Pacific women.

Strategic partnerships

To strengthen its support to Pacific parliaments, UNDP will need to develop and/or maintain sustainable strategic partnerships with allied UN agencies, donor agencies, regional organisations, parliamentary associations and regional educational institutions. Strong relationships will be required with regional NGO associations and their local constituent civil society stakeholders. Strong relations will be also needed with the region's parliamentary secretariats, presiding officers and incumbent governments.

Particular strategic partnerships are referred to in the body of the report. In summary, the major strategic partners for parliamentary support can be summarised as follows:

- § Allied UN agencies, in particular UNIFEM.
- § Regional donor agencies including AusAID, NZAID, JICA, European Commission for the Pacific. Some level of engagement with PRC representatives is needed to gauge baseline attitudes to parliamentary strengthening.
- § Pacific Islands Forum (PIF).
- § Forum Governance Unit.
- § Forum Presiding Officers Conference (FPOC).
- § Asian Development Bank (ADB), especially officers and consultants engaged in parliamentary strengthening in Vanuatu.
- § Pacific Financial Technical Assistance Centre (PFTAC).
- § Commonwealth Parliamentary Association (CPA).
- § Inter-Parliamentary Union (IPU).
- § Westminster Foundation for Democracy (WFD)
- § International Institute for Democracy and Electoral Assistance (IDEA).
- § The Australian Political Exchange Bureau in the Department of Finance and/or similar relevant units in other regional bureaucracies.

- § University of the South Pacific (USP), especially the Pacific Institute of Advanced Studies in Development and Governance and the USP Law School.
- § The State, Society and Governance in Melanesia Project (SSGM) and the Centre for Democratic Institutions (CDI) at the Australian National University and similar relevant units at other regional universities.
- § Pacific Islands Association of Non-Government Organisations (PIANGO).
- § Pacific Regional Human Rights Education Resource Team (RRRT)/Poverty Reduction through Human Rights and Access to Justice for All (PRAJA).
- § Transparency International (TI).
- § Pacific Islands parliamentary secretariats.

Opportunities for information dissemination, networking and local consultation

An area in need of immediate attention is the dissemination of information relating to parliamentary strengthening projects in the Pacific. Despite the specific nature of several national obstacles to parliamentary performance in the Pacific, a timely regional strategy would be to facilitate information exchange on the kinds of strengthening projects which are currently operating in the Pacific. Rather than controlling or coordinating such programs, the UNDP could utilise its comparative advantage on regional issues to facilitate effective communication networks between the various groups involved in parliamentary strengthening projects. Especially because other multilateral organisations have now undertaken parliamentary strengthening projects, the UNDP should work to ensure that all development actors involved in such projects are aware of the extent of the UNDP's activities and vice versa. The program should build sustainable networks with development agencies working in the region, should 'act as a catalyst for other technical cooperation activities' and should offer opportunities for 'networking current fragmented approaches' (de Silva 2003:4).

To this end, it is imperative that the research undertaken by the UNDP (GOLD) project be disseminated as widely as possible. Taken together, the LNAs carried out by UNDP-GOLD constitute the sole corpus of information about regional legislatures and their findings should be utilised accordingly. They should be broadcast in appropriate digital and written forms, including web publications, discussion papers and ultimately a monograph combining the findings of the LNAs, drawing together their collective themes and indicating the specific conditions of parliamentary governance in the member states. The monograph and articles

could contribute to training and advocacy programs for Pacific parliaments and be used as a further means of awareness-raising among regional and global stakeholders on parliamentary strengthening. They would strengthen UNDP's governance project advocacy with regional donors about the need for bilateral support programs.

To this end, four Legislative Needs Assessments are yet to be undertaken. These are Cook Islands, Samoa, Palau and Niue. They should be undertaken at the earliest opportunity. The LNA for Kiribati should be revisited and appended to conform to the quality and format of the other LNAs. This may require a further in-country visit but might be undertaken utilising the existing literature on Kiribati, augmented by phone consultations with relevant regional academics, contactable i-Kiribati MPs, civil society stakeholders and public servants and appropriate utilisation of government documentation.

Consultative forums should be organised in Kiribati, Vanuatu and the Kingdom of Tonga to legitimise the findings of the Legislative Needs Assessments. In the case of Vanuatu, this will allow the development of networks with ADB officers engaged in parliamentary strengthening there and will provide a unique opportunity to network fragmented approaches to parliamentary strengthening.

The issue of Vanuatu's parliamentary strengthening project offers a case in point. In 2001, strengthening the capacity of Vanuatu's parliament, especially its apparent inability to 'review bills and policies' was incorporated to the ADB's country program for Vanuatu (ADB 2001) and the Asian Development Bank subsequently positioned a support officer in the Vanuatu Speakers Office in 2003. Now that the Asian Development Bank has undertaken a discrete strengthening project in Vanuatu as part of its national plan for Vanuatu (ADB 2001), the need for effective communication between agencies involved in similar projects is vital. It is a matter of concern that during the consultation phase of this report, the consultant engaged by the ADB was unaware of the existence of a regional UNDP governance project and nor was he aware that a comprehensive legislative needs assessment of the Republic of Vanuatu has been undertaken in 2001 (see UNDP 2001b). When that consultancy was undertaken little institutional memory remained regarding the previous consultancy on parliamentary strengthening which Mary Harris, a clerk of the New Zealand parliament, undertook. An

issue of concern in Vanuatu is that often little corporate memory regarding previous programs exists.

Summary of Recommendations

Proposed initiatives for Institutional Strengthening, Capacity Building and Regional Cooperation

Immediate

- § The UNDP governance project undertake as a matter of urgency legislative needs assessments in Cook Islands, Samoa, Palau and Niue.
 - Follow-up consultative forums be conducted in those countries as soon as practicable after the conclusion of the LNAs.
- § UNDP undertake consultative forums in Vanuatu, Kiribati and Kingdom of Tonga to discuss and legitimise the findings of its Legislative Needs Assessment; and,
 - The consultative forum for Vanuatu include contributions from ADB officers currently undertaking a parliamentary support program there.
- § UNDP take appropriate measures to disseminate the findings of the LNAs in appropriate digital and printed forms.
 - Individual country reports be edited and revised and disseminated as country papers on parliamentary governance.
 - UNDP engage the consultants involved in the Legislative Needs Assessments to convert the findings of their reports into a monograph on Pacific parliaments.

Ongoing initiatives

- § UNDP governance program build sustainable networks with allied development agencies working in the region to facilitate technical cooperation activities and offer opportunities for networking current fragmented approaches.

§ UNDP coordinate the separate development initiatives and facilitate regional information exchanges on existing support programs for Pacific parliaments. To this end,

- An e-mail circular, Internet knowledge network or newsletter to active participants in regional support programs be considered to facilitate information exchange.

3.1 Proposed initiatives for strengthening the legislative frameworks of Pacific parliaments

Immediate

§ UNDP develop a template code of conduct for PICs, guidelines for their implementation and technical assistance for policing them, in consultation with regional NGO stakeholders, MPs, the Pacific Islands Forum governance unit and Transparency International (TI)

3.2 Proposed initiatives for strengthening parliamentary secretariats

Immediate

§ UNDP provide technical assistance to Pacific legislatures and relevant ministries to strengthen briefings (oral and written) for members and ministers.

§ UNDP support the provision of appropriate technologies such as CD-ROM and internet-connected PCs to regional parliamentary secretariats to allow them to strengthen their role in disseminating information to members and staff.

§ UNDP offer competitive scholarships for regional secretariat staff to attend training courses offered by the IPU, or other appropriate institutions.

Ongoing

§ UNDP continue advocacy for more administrative and financial autonomy to be granted to parliamentary secretariats.

3.3 Proposed initiatives for strengthening parliamentary oversight

Ongoing

- § Maintain support for constitutional watchdogs and oversight committees

3.3.1 Proposed initiatives for strengthening public accounts committees

Immediate

- § UNDP explore the possibility of co-opting members of the public onto parliamentary standing committees, especially PACs. To this end,
 - UNDP support regional initiatives to revise standing orders to incorporate this change.

Ongoing

- § Maintain close consultation between the UNDP's governance project and its relevant development partners – e.g. ADB and PFTAC - to ensure synchronicity between development programs relating to PACs.

3.4 Proposed initiatives for strengthening lawmaking procedures

Immediate

- § Legal and political literacy training for Pacific politicians (both men and women) on the functions of various government departments, the contents of laws enacted already in Pacific countries.
- § Develop training templates for secretariat staff to include human rights training in induction courses for MPs.
 - Such training should include reviews of the protocols signed by Pacific governments.
- § Support initiatives to strengthen legislative drafting in the Pacific through the development of professional training modules at USP, and/or

- § Initiate a system of competitive scholarships or further educational opportunities to train a cadre of legislative drafters.

Ongoing

- § UNDP continue advocacy and coordination for institutional strengthening relating to the lawmaking and oversight in Pacific legislatures. To this end,
 - Maintain advocacy for national executives and parliaments to adhere to best practices of governance, as derived from the LNAs, and report on their success in adopting and adhering to these principles.

3.5 Proposed initiatives for strengthening parliament constituency relations

Ongoing

- § Support further research and development on constituency parliament relations in the PICs.
- § Contribute to knowledge exchange on these issues through support for conferences, seminars and workshops on these issues.

3.5.1 Proposed initiatives for civic education and public information

Immediate

- § Improve networking and information dissemination with stakeholder organisations engaged in civic education.

Ongoing

- § UNDP utilise its comparative advantage in regional programming to support curriculum development at the primary, secondary and tertiary levels.
 - Develop long-term strategic linkages with the USP, the Institute of Advanced Studies in Development and Governance.
 - Support and give in-input to courses in the form of lectures and seminars on parliamentary strengthening.

- Support groups to contribute on an ad hoc or emergency basis to civic education in appropriate contexts.

3.5.2 Proposed initiatives for strengthening civil society parliament relations

Immediate

- § UNDP gauge best practice on CSO-parliament and CSO-executive relations, in consultation with regional NGO stakeholders and the Forum Governance Unit, to develop and support training and resource development for CSO advocacy and lobbying activities.

Ongoing

- § UNDP provide technical assistance and support to CSOs engaged in advocacy and lobbying to strengthen civil society input into lawmaking and oversight.
 - Support engagements between secretariats and CSOs to contribute to briefing papers such a measure could contribute to the strengthening of the legislative cycle, among other parliamentary functions.

3.5.3 Proposed initiatives for electoral support and political parties

- § Support journalists and CSOs during election time to bolster information flow and overall civic education.
- § Facilitate knowledge networks about available exchange and study visit programs for Pacific parliamentarians, including advocacy among WFD and Australian Political Exchange Bureau to include greater opportunities for Pacific parliamentarians.
- § Strengthen partnerships CPA, especially given its increasing focus on Pacific countries.

3.6 Proposed Initiatives for Strengthening the Status Of Women and their Participation in Public Decision-Making

Immediate

- § Support initiatives to translate UNIFEM training modules into Pacific vernacular languages to ensure their effective and comprehensive dissemination.
- § Assist UNIFEM's ongoing reviews of its programs analysing progress, opportunities and obstacles to women's political participation.
- § Contribute to course development at regional institutions such as USP to target women for further training.
- § Support training programs in advocacy and lobbying for relevant NGO activists – especially those working on issues such as HIV/AIDS, domestic violence and family law.

Ongoing

- § Collaborate with UNIFEM on parliamentary strengthening projects.
- § Co-operate on future programs involving training for presiding officers, MPs, secretariats and civil society stakeholders.

4.0 Recommendations on the future role of the Forum Presiding Officer's Conference.

Immediate

- § UNDP gauge baseline attitudes from PRC on appropriate support for Pacific parliaments.

Ongoing

- § UNDP support the continuation of FPOC in its current form, allowing for more emphasis to be placed on contributions from secretariat staff.

- UNDP collaborate with PIF and the Forum Governance Unit to investigate a more appropriate and sustainable future role for FPOC than the proposal for a stand-alone secretariat.

- § UNDP cooperate with the Forum Governance Unit through joint support in the planning and execution of parliamentary strengthening projects.

3.0 Review of the findings of the Legislative Needs Assessments (LNAs)

3.1 Review of Legislative Frameworks

Each of the countries surveyed during the LNAs already possesses the basic legislative mechanisms of good governance to ensure the effective operation of their parliaments and the committees constituted from them. However, knowledge among members and the wider public of the Acts of Parliament, constitutions, standing orders and other regulations is weak. Written questions, oral questions and general debate should be used to fully interrogate government policy and performance but they are generally under-utilised. Arguably, under such conditions more emphasis should be placed on education of existing systems rather than implementing wholly new ones (see 3.4 Review of Lawmaking Procedures).

The role of the speakers of parliament, supported by sufficiently staffed, funded and resourced parliamentary secretariats, is crucial. Speakers are tasked with policing adherence to standing orders and other relevant regulations and legislation and their knowledge of them is crucial to the effective operation of parliaments. Capacity building among secretariats and presiding officers is clearly needed (see 2.2.1 Training MPs, secretariat staff and presiding officers). UNDP should maintain advocacy with regional donors to initiate better parliamentary strengthening projects.

The need to draft and enforce codes of conduct was posited in several of the countries reviewed. The importance of providing codes of conduct for all MPs and more effective declarations of interest registers for MPs are clearly necessary. The production of a template

'code of conduct', designed in consultation with Pacific MPs, presiding officers and international organisations such as Transparency International would provide a point of reference for developing appropriate, locally relevant codes of conduct throughout the Pacific. Utilising its regional presence and comparative advantage, UNDP should formulate a code of conduct template and appropriate guidelines for local stakeholders to adapt them to their circumstances.

The record of Pacific parliaments in ensuring adherence to these principles is mixed. Solomon Islands has no parliamentary committee that could prepare a draft code of conduct for members, review any code introduced and carry out the educative work in relation to ethical standards applying to members as well as providing advice on standards. However, it has a register of interests with provision for penalty should a member fail to declare a pecuniary interest during debate. In Fiji, the Code of Conduct is consequential legislation arising from the Constitution but has not, unlike other such legislation, been drafted as a Bill for consideration before the House. Elsewhere, where such codes are in existence, they are not enforced, not known or poorly understood by members. Neither Kiribati nor Tonga has a code of conduct or an independent body such as an Ombudsman or Leadership Code Commission to regulate a code of conduct.

Proposed initiatives for strengthening the legislative frameworks of Pacific parliaments

- § UNDP develop a template code of conduct for PICs, guidelines for their implementation and technical assistance for policing them, in consultation with regional NGO stakeholders, MPs, the Pacific Islands Forum governance unit and Transparency International.

3.2 Review of Parliamentary Secretariats

In each of the parliaments under review, several obstacles to the effective operation of parliaments relating to parliamentary secretariats were highlighted in the constitutional arrangements relating to parliamentary funding and recruitment, staffing levels of parliamentary secretariats and basic infrastructure. Again, the relative strengths of each

parliament varied from country to country. Although local stakeholders outlined shortfalls in their operation and staffing levels, the parliaments of Fiji (reviewed during the LNA phase) and Samoa (not reviewed) enjoy good reputations for effective, efficient secretariats, with high calibre staff. Generally, the major obstacles can be summarised as:

- § Lack of adequate finances to perform the requisite services needed to support parliamentary functions;
- § Lack of qualified personnel and appropriate employment arrangements to support members and parliamentary committees;
- § Need for training of parliamentary officers and members;
- § Need to enhance the library and research service; and,
- § Inadequate office space for members.

Ideally, parliamentary secretariats should have greater autonomy in determining their financial requirements and recruitment processes. Due to the highly specialised skills involved in parliamentary support work, greater input by clerks and secretaries general is needed in several of the countries reviewed to determine policies to guide the operation and management of Parliamentary services; to prepare budgets for the Parliament, staff establishment and Parliamentary services; to determine the size and organisation of the parliamentary department and the services to be provided to parliamentarians; and to supervise the management and delivery of the services to be performed by the parliament.

Relatively few parliaments in the Pacific enjoy actual administrative and financial autonomy, despite regular attempts to effect it. Decisions about staffing and funding levels are often made by MPs without the requisite experience or understanding of parliamentary staffing needs. Furthermore, Public Service Commissions – or their equivalents – have often relocated skilled parliamentary staff, such as Hansard reporters, to other departments or areas.

Overall, staff shortages and other constraints have impeded the provision of adequate reporting for the Vanuatu, RMI and Solomon Islands parliaments. In each, minutes and/or Hansards are either not produced or are in arrears. Tonga's legislative assembly has insufficient library facilities and is generally unable to provide documentation, Bills etc to

members because of resource shortfalls. RMI has no parliamentary library. In other areas, units such as these have been considered profligate. In many instances these support systems have been in place for some time, but have been allowed to run down. Programs of this nature have been undertaken piecemeal in the course of bilateral support.

Clearly effective parliaments rely upon strong support networks, including their own research units. Because of the highly specialised nature of parliamentary secretariat positions, often the only training opportunities for parliamentary officers are through attachments to other Parliaments. Calls for greater secretariat support and improved infrastructure for regional parliaments are clearly warranted. Strengthening parliamentary secretariats is a task dealt with best through bilateral support because of the intensive lobbying, institutional strengthening and capacity building required. However, many of these problems could be countered in the short-term by the provision of adequate technology to manage information and training for staff in their operation.

UNDP's comparative advantage on regional programs could be harnessed to ensuring that such technologies are available to the region's secretariats. Access to the Internet and CD-ROM capable computers is an important part of this initiative. Especially when the Pacific Islands Forum Secretariat provides documentation on Forum protocols via CD-ROM, measures should be taken to ensure that regional parliamentary secretariats are able to issue copies of relevant documentation to members as required. This could be addressed through UNDP technical assistance to Pacific parliaments or advocacy among regional donor countries to provide these resources.

Ideally, secretariats should play key roles in facilitating effective relations between members and civil society, especially relating to lawmaking and oversight. Some of the issues of weak secretariat support could be answered through the development of strategic relationships between secretariats and CSOs. An affordable measure would be for parliamentary research units or the appropriate secretariat staff member to facilitate the requisitioning/commissioning of briefing papers and actual briefings on proposed legislation, their social, economic and political implications and other pertinent issues, as required by Members, from relevant civil society organisations. The research staff should be answerable to and guided by the Clerk and the Speaker, and primarily conduct research on policy issues

before the House. Facilitating such research services would increase the awareness of and knowledge on issues all Members must deal with. UNDP should provide technical assistance to Pacific parliaments to this end.

Pacific secretariats themselves could be considered major national and regional partner organisations. One answer to the apparent isolation of Pacific parliaments would be to strengthen knowledge networks of exchange programs between them. Tuvalu's parliamentary secretariat has already benefited from staff secondments to the Fiji parliament and other countries might benefit from similar exchanges, including to Australian national and regional parliaments. As a priority, such secondments or exchanges should be reciprocal; that is, rather than second Australian, New Zealand or Papua New Guinean secretariat staff, for example, be seconded to smaller legislatures to facilitate skills transfer, staff from smaller legislatures should be offered the chance for professional exchanges to larger legislatures. Secondly, knowledge networks should be fostered between regional parliaments, especially between secretariat staff. A viable option would be for the UNDP to support the development of an e-mail query service involving regional secretariats and select supra-regional members. Periodically, video link-ups could be convened on particular issues, using rented video networks such as that operated by USP.

Proposed initiatives for strengthening parliamentary secretariats

Immediate

- § UNDP provide technical assistance to Pacific legislatures and relevant ministries to strengthen briefings (oral and written) for members and ministers.
- § UNDP support the provision of appropriate technologies such as CD-ROM and internet-connected PCs to regional parliamentary secretariats to allow them to strengthen their role in disseminating information to members and staff.
- § UNDP offer competitive scholarships for regional secretariat staff to attend training courses offered by the IPU, or other appropriate institutions.

Ongoing

- § UNDP continue advocacy for more administrative and financial autonomy to be granted to parliamentary secretariats..

3.2.1 Training MPs, secretariat staff and presiding officers

In each of the parliaments reviewed during the LNAs, key stakeholders - including many MPs – decried MPs’ relative lack of knowledge about due process, particularly relating to standing orders. Across the region, including in Australia and New Zealand, preparing new MPs for their roles in public life, their responsibilities as lawmakers, overseers of the executive arm of government and representative of their constituents is an issue of common critical concern. Given the short term and ultimately unsustainable nature of capacity building initiatives for MPs based on their high turnover rates and relatively short term of employment, the best chance for sustainable and meaningful support for Pacific parliaments will be through their support mechanisms, particularly parliamentary secretariats.

UNDP could utilise its comparative advantage on regional programming to initiate a program to support secretariats in their core function of preparing members for their roles. Such programs should include ongoing input and discussion from regional secretariat staff and the Pacific Islands Forum Governance Unit. Comprehensive induction sessions for members are required at the beginning of each Parliament, followed by regular workshops throughout the parliament’s life. Induction seminars for members should include training on their roles and responsibilities, their relationship with government ministries, the role of NGOs and their possible contributions to lawmaking, oversight and representation, provided in vernacular language. UNDP, working in close collaboration with the regional parliamentary secretariats, USP and the Forum Governance Unit, should develop a template for such a training program. Course components should include train-the-trainer programs, computer skills, library courses and basic legal literacy for secretariat staff. Further appointments of legal counsel and research officers will also be required if secretariat staff are to fulfil their expectations adequately.

A cost effective strategy would be to offer competitive scholarships for one of the available courses on parliamentary procedure offered by, for example, the IPU to regional secretariat staff. A panel would select 2 or 3 successful applicants each year.

UNDP should facilitate the development of professional training packages through strategic partnerships with regional institutions such as the University of the South Pacific, in particular its Pacific Institute of Advanced Studies in Development and Governance, to deliver the abovementioned training packages to regional secretariat staff. Ideally, experienced staff from regional parliaments would be involved as trainers, as would specialist consultants organised through associations such as the CPA or IPU. Such programs must be compliant with UNDP regulations for gender equity and ensure support for women secretariat staffers. Training components should ideally contain significant local input to curriculum development, including input from local stakeholders, former MPs, bureaucrats and lawyers, for example.

Newly appointed secretariat staff and presiding would benefit from short attachments to regional legislatures and/or Australian and New Zealand legislatures. Professional development and mentoring networks for both staff and members should be established and maintained with regional legislatures, including the ACT, Northern Territory and New Zealand Legislative Assemblies as well as select exchanges between Pacific parliaments. A systematic, strategic mentoring and professional development network would enhance the role of staff and members greatly. Mentors should be chosen according to their ability to shape strategic thinking and communicate flexibly and skilfully as part of developing productive professional development and mentoring relationships. UNDP should facilitate and coordinate networking initiatives such as this in cooperation with the CPA and Forum Governance Unit.

Overall the support mechanisms for members must be strengthened. Adequate measures should be taken to ensure that members receive adequate notification of house business and copies of the key legal documents, in advance of parliamentary sessions, according to the standing orders of each house. A further option for bolstering members knowledge and understanding of their roles, standing orders and other procedures relating to parliamentary operation would be to provide handbooks for members.

Often, members with limited educational backgrounds typically find technical briefings and training sessions difficult to understand. Part of MP's capacity shortfall could be countered by ongoing briefings for members and ministers to be provided by the relevant public servants. In instances where members might not have attained high education levels, appropriate briefing mechanisms are needed. One solution for countering the limited capacity of members would be for simple drafting techniques, preferably in vernacular, to be adopted by ministries. Furthermore, systems of explanatory notes in vernacular language would often be required to ensure that technical matters are explained in simple, accessible terms.

There is a need for ongoing legal advice to MPs, including ministers. Clearly, in some respects, this capacity shortfall could be countered by the recruitment of legal counsel to parliamentary secretariats across the region. Continued advocacy among donor and regional governments is essential to this end.,

Proposed initiatives for training MPs, secretariat staff and presiding officers

- § UNDP utilise its comparative advantage on regional programming to formulate a training module template for parliamentary secretariats wishing to develop members' induction seminars. Such programs should include ongoing input and discussion from regional secretariat staff and the Pacific Islands Forum Governance Unit. UNDP, working in close collaboration with the regional secretariats, USP and the Forum Governance Unit, could develop a template for such a training program. Course components should include train-the-trainer programs, computer skills, library courses and basic legal literacy for secretariat staff.
- § UNDP facilitate and coordinate networking initiatives for secretariat staff and presiding officers with the CPA and Forum Governance Unit to allow for regional staff exchange and short visits to larger regional legislatures.
- § UNDP investigate options for regional programs to be enacted through institutions such as the USP law school to provide professional training in simple drafting techniques, preferably in vernacular, for proposed parliamentary legal counsels and relevant government ministries.

- § Advocacy and technical assistance for the introduction of systems of explanatory notes and verbal briefings provided where relevant by ministries and/or parliamentary secretariats in vernacular language to ensure that technical matters are explained in simple, accessible terms.

3.3 The Oversight Role of Parliament

The parliament's oversight role was cited by all LNAs to be the most poorly performed function. In some countries, the Public Accounts Committees have not met for several years, while in other legislatures the PACs function inadequately. Despite the fact that nearly all FIC National Budgets have been changed to output or performance budget format, where resources are now allocated based on achievable targets, there is no oversight mechanism from all FIC parliaments on the qualitative impact of the national budgets. There is also no single FIC legislature that is proactive in demanding prompt accountability of public institutions, let alone NGO users of public funds, for audited and delivery reports.

In general, discussions of parliamentary oversight in PICs gravitate towards the perceived dominance of the executive over the legislature. Most Pacific legislatures are designed along Westminster lines and have in-built expectations for effective oversight: a strong and effective opposition; a responsible and responsive executive; an active and effective committee system; effective constitutional oversight agencies; an active media and an informed and educated public. More recently, certain institutions – such as standing committees - have been implemented or recuperated to facilitate better acknowledgment of public expectations within the parliament. However, in that the Westminster system vests in the executive the right to initiate or move to increase appropriations and taxes, the executive is invested with significant powers to determine policy and legislative programs: this situation should not be upset.

Most institutional strengthening projects have tended to recommend strengthening parliamentary oversight by ensuring opposition members chair oversight committees, even where the opposition might represent an absolute minority within the house. This situation has appeared to work well under certain circumstances. However, this is not the only system

to be found in Pacific countries and nor is it the only course of action recommended by international development agencies and bilateral donors.

There are no clear guidelines for effecting actual oversight of the executive arm of the government and no easy solutions to bringing about such a situation in Pacific countries. The most prominent strategy adopted in recent years has been to strengthen the institutions which contribute to the overall cycle of accountability: that is, bolster the powers and support mechanisms for parliamentary standing committee and constitutional watchdog agencies such as ombudsmen and auditors-general.

The cycle of accountability is the net effect of all the checks and balances on executive performance, including constitutional oversight offices, government departments, and standing committees such as the Public Accounts Committee. Indeed, across the region the abovementioned constitutional watchdogs are considered to be under-resourced, although there are significant examples of successful investigations and oversight. In that most public accounts committees rely heavily on their respective national audit offices, the cycle of accountability is crucial to the effective operation of parliamentary oversight institutions. Rather than act as an investigative committee, Public Accounts Committees are generally expected to be the body to which 'managers answer for their actions', based on the findings of the reports of respective auditors-general.

Proposed initiatives for strengthening parliamentary oversight

- § Maintain support for constitutional watchdogs
- § Provide technical assistance to secretariats to strengthen the role of sector and select committees.

3.3.1 Public Accounts Committees

A key aspect of the UNDP-GOLD project has been to further parliamentary oversight through strengthening public accounts committees. Throughout the Pacific, PACs are often criticised for their apparent inertia. In Vanuatu, Solomon Islands and Papua New Guinea their

effectiveness is undermined by the prevailing political cultures, in which the imperatives of specialist committee work are poorly understood. The findings of the LNAs suggests that public accounts committee members often lack the requisite knowledge to interview experienced public servants effectively and nor are they generally cognisant of their own powers, duties and responsibilities, systemic accountability mechanisms, public service standards and so on. The relatively high turnover of MPs in committees is seen to limit the development of effective “institutional memory”.

The most immediate problem is that of institutional lag. Most PACs are dealing with problems in arrears; sometimes PACs are still considering Auditor’s-General reports from the early 1990s (see e.g. UNDP 2001a). Overseeing current government expenditure is crucial to effecting oversight. PACs should be encouraged to release compendium reports on their findings for years leading up to 2001-2002 to expedite this process.

Clearly, induction seminars for PAC members are warranted due to the specialised and important nature of their work. As part of the process of formulating induction seminar templates mentioned above (see 2.2.1 Training for MPS, secretariat staff and presiding officers), specialist lobes for PACs should be envisaged. Such training courses could take the form of a one-day seminar for PAC members in order to familiarise them with their role and responsibilities and with the principles of accountability. Acting in concert with parliamentary secretariat staff, audit officers, technical advisers (PFTAC) and the Forum Governance Unit, the UNDP should consider developing induction programs which incorporate appropriate national guidelines for the operation of public accounts committees. Such guidelines should be developed in line with national expectations of the role of the public accounts committee and be devised with fiscal considerations (i.e. appropriate expenditure for committee work) in mind. Already, certain innovations to the roles of PACs have been canvassed or enacted in Pacific contexts. In Solomon Islands, the PAC is empowered to consider appropriation bills before their introduction to the house for debate. Such measures were enabled by the breakdown of the state in Solomon Islands and will be more difficult to advocate in other contexts. More pressing is the need to ensure the effective operation of PACs as they are currently envisaged, although some amendments to their constitution will be warranted. Stronger provisions for relevant civil society actors, such as professional accountants, to be co-opted to PACs will enable non-political review of the

expenditure of public funds and will increase the technical capabilities of PACs. This is an issue which will require the revision of standing orders, legislation and, in some instances, constitutional arrangements and is therefore dealt with best through bilateral programs, where appropriate.

A key strategy has been to empower parliamentary opposition MPs with considerable constitutional powers. For example, in Fiji and Vanuatu the chair of the Public Accounts Committee must be an opposition member. This style of competitive oversight dominates UNDP thinking on accountability mechanisms but is by no means the only system in operation in the Pacific and nor is it the only system advocated by development agencies such as the ADB and PFTAC. For example, in the current parliamentary strengthening project undertaken by the ADB in Vanuatu the insistence upon an opposition chair is seen potentially to cultivate political antagonism within the PAC. Ongoing, close consultation between the UNDP's governance project and its relevant development partners is required.

Proposed initiatives for strengthening public accounts committees

Immediate

- § Acting in concert with parliamentary secretariat staff, audit officers, technical advisers (PFTAC) and the Forum Governance Unit, the UNDP should develop induction programs which incorporate appropriate national guidelines for the operation of public accounts committees.
- § UNDP explore the possibility of co-opting members of the public onto parliamentary standing committees, especially PACs. To this end,
 - UNDP support regional initiatives to revise standing orders to incorporate this change.

Ongoing

- § Maintain close consultation between the UNDP's governance project and its relevant development partners – e.g. ADB and PFTAC - to ensure synchronicity between development programs relating to PACs.

3.4 Review of Lawmaking Procedures

The power to make laws is the key function of any legislature. But the effectiveness of Pacific legislatures in this responsibility has been challenged because legislation appears to be passed very quickly, because the implications of legislation are not always effectively communicated to the constituencies and because members themselves have been accused of ignoring or not understanding the implications of the laws that they enact. Thus, parliamentary secretariats across the region have been often unable to notify members of what bills they will be considering adequately.

Partly these issues are systemic in nature. Governments in Solomon Islands, Marshall Islands, Vanuatu or Fiji do not habitually furnish legislative programs to their parliamentary secretariats, despite clear guidelines for notification established in their standing orders. Without executives acknowledging their responsibility to provide such information little can be done but to strengthen the existing support mechanisms, such as the institutional strength of secretariats and the capacity of their staff.

Alterations to standing orders to require the provision of legislative schedules – acknowledging the need for urgent legislation to be tabled where necessary – and enforcement of notification deadlines will be required. Capacity building programs in such procedures might be considered as part of overall support to political parties (see 2.5.4 electoral politics and political parties).

The issue of weak legislation was at the heart of the development of sector committees. While particular legislatures may be considered too small to support numerous committees stronger mechanisms for effective lawmaking are necessary. The apparent weaknesses in capacity of Pacific lawmakers suggest that they require more training in their roles and responsibilities as national leaders (see 2.2.1 Training MPs, secretariat staff and presiding officers). The ability of Pacific lawmakers to acquit their responsibilities is also dependent on the level of support they receive through their secretariats and respective ministries.

Across the Pacific there is support for greater community consultation on bills to be undertaken. Most Pacific countries have provision for creating ad hoc committees built in to their standing orders and parliamentary procedures or sectoral committees charged with

gauging public opinion on proposed legislation, but formalised core sector committees are a recent innovation in most Pacific countries. Understandably, not all Bills can be subject to the in-depth public scrutiny but some level of interaction is clearly needed for legislation with strong social or economic ramifications. However, the differences in size, geography and structure between the various countries reviewed during the LNAs suggest that no uniform approach is feasible.

In some contexts, local government institutions may help bridge the disjunctures between national governments and local people. This is especially true in the atoll, microstates of Micronesia, where local institutions already take responsibility for vetting relevant legislation. However, it is imprudent to consider all forms of local government in the Pacific synonymous. Firstly, in sheer size, they vary markedly. For example, Papua New Guinea's provinces are in most instances as big as other Pacific countries in their entirety. The constitutional arrangements, which govern the operation of Pacific local government forms, also vary widely. Thus, initiatives considered to be apt strategies for strengthening parliaments in small island states are inappropriate to consider in the context of large countries such as Papua New Guinea. Unfortunately, provincial or local government forms in the Pacific are also depicted as unresponsive to community requests for development funds, minor projects, or updates on government performance and programs in the area. Formalising relationships between Members of the National Parliament and local governments may be necessary to facilitate the effective flow of information but this is an issue of such complexity that it will require intensive bilateral support to effect such change or support on a case-by-case basis.

A particular development that should be encouraged by UNDP's governance project is the engagement of parliaments in the Ratification of Treaties and their active involvement in overseeing the implementation of Human Rights conventions. Pacific Regional Human Rights Education Resource Team (RRRT) has reported that 'no single Pacific Island country has ratified all the big six conventions, namely ICCPR, ICESCR, CEDAW, CRC, CERD and CAT' (RRRT 2003: 7). The LNAs also show lags in enacting enabling legislation after ratification of those human rights instruments that have been ratified and significant shortfalls in local capacities to implement them. The LNAs show that the executive arms of Pacific governments have often signed such conventions without communicating their contents and implications to lawmakers or the community in general.

The level of cognisance about human rights conventions is poor and possibly indicates the incompatibility of Western conceptions of human rights with projections of 'Pacific culture' (see UNDP 2003c), but the lack of knowledge about international conventions is also a systemic weakness of Pacific legislatures. This shortfall could be countered in the short term by the inclusion of human rights training in induction programs for new members across the Pacific, including reviews of international treaties to which Pacific countries are signatories. As part of its training packages for secretariats mentioned above (see 3.2.1 Training MPs, secretariat staff and presiding officers), UNDP should include human rights training in induction courses to ensure sustainable corporate memory about such issues. Supporting the development of mechanisms which ensure that international conventions and other foreign policy matters are dealt with by parliaments rather than by the executive arm of government clearly falls within the ambit of the UNDP's governance project. Close consultation with RRRT/PRAJA on its initiatives will also be required.

Continued advocacy and coordination for institutional strengthening and legislative reform is clearly necessary to effect this. Several strategies should be enacted to this end. Drawing on the UNDP's regional focus, facilitating discussions with national executives about the implications of ratification of international conventions and the legal processes – including their being vetted by national parliaments – is necessary. Strengthening national institutions which advocate the protection of human rights, such as ombudsmen and human rights commissions, and continuing support for relevant CSOs are also crucial to effecting these changes. Inclusions of rights education and general legal literacy in schools curricula and tertiary courses will also be necessary. In close cooperation with the Pacific Islands Forum and the Forum Governance Unit, UNDP should maintain advocacy for national executives and members of parliament to adhere to best practices of governance and report on their success in adopting these principles. The exact form of FPOC and future Forum governance initiatives will need to be gauged before this can be effected (see 4.0 Forum Presiding Officers Conference).

In most of the countries surveyed, legislative drafting is seen to be weak. Distinct support programs are required urgently to foster a cadre of trained legal drafters in the Pacific. The few existing trained drafters could be offered professional development courses and staff exchanges to Australia and New Zealand. UNDP should coordinate efforts to effect this

change and continue to raise the profile of measures such as this in the course of the dissemination of information regarding parliamentary strengthening projects.

Proposed initiatives for strengthening lawmaking procedures

Immediate

- § Develop training templates for secretariat staff to include human rights training in induction courses for MPs. Such training should include reviews of the protocols signed by Pacific governments.
- § Support initiatives to strengthen legislative drafting in the Pacific through the development of professional training modules at USP, and/or
- § Initiate a system of competitive scholarships or further educational opportunities to train a cadre of legislative drafters.

Ongoing

- § UNDP should continue advocacy and coordination for institutional strengthening relating to the lawmaking and oversight in Pacific legislatures. To this end,
 - Maintain advocacy for national executives to adhere to best practices of governance, as derived from the LNAs, and report on their success in adopting and adhering to these principles.

3.5 Review of Existing Parliament -Constituency Relations

Constituency-parliament relations across the Pacific are seen to be weak. Across the Pacific, systems for disseminating information to constituents relating to parliamentary structures and performance and for representing constituency aspirations in law making are characteristically weak. Much of this is derived from weaknesses in the existing communications infrastructure. In Micronesia, the relatively small size and dispersed populations have allowed for certain powers characteristically the responsibility of national parliament to be devolved to regional forums (see 3.4 Review of lawmaking). But in almost all the other countries surveyed during

the LNAs, serious obstacles to effective parliament-constituency relations were highlighted. Several areas can be targeted for this purpose.

Several factors militate against the effective dissemination of information to rural areas. While the deliberations of Pacific parliaments are generally broadcast, cognisance of the implications of legislation appears poor. In particular, the roles and duties of members are unclear. Little differentiation is made between the role of the legislature and the executive. In Melanesia, this has been characterised by increasing ambivalence to 'democracy' by grassroots people. 'Politics' is seen to contribute to the erosion of community cohesion and benefit no one but politicians. The health of Pacific polities depends upon the reversal of these trends. Clearly, more information is needed on the specificities of constituency-parliament relations in the diverse settings of the PICs. UNDP should support further research and development regarding these crucial relationships to understand the operation of parliaments better.

Proposed initiatives to strengthen Existing Parliament-Constituency Relations

- § Support further research and development on constituency parliament relations in the PICs.
- § Contribute to knowledge exchange on these issues through support for conferences, seminars and workshops on these issues.

3.5.1 Civic education and public information

Anecdotal evidence suggests that basic cognisance of parliamentary duties is cursory and few parliaments have undertaken outreach programs in their own right. Most Pacific Islanders have access to broadband radio broadcasts and urban people in particular have access to a varied printed media. Poor literacy levels in rural areas throughout the Pacific limits the effectiveness of print media as a source of information. Despite recent attacks on media sources in Solomon Islands and the suppression of free media in Fiji during the coup, overall the Pacific Islands benefit from a relatively free media, especially when compared to the position of correlate agencies in Central Asia and Africa. Parliamentary coverage has been a feature of Pacific media broadcasts since their respective independences, yet explanation of the

meanings of parliamentary debate and the implication and ramifications of bills under consideration is limited.

Across the Pacific, comprehensive civics education strategies are needed to combat these weaknesses. Only Fiji has an established civic education component in the schools curriculum, although several PICs are reputedly developing courses. Ongoing public education campaigns on the political system, particularly in rural villages and in primary schools, are long-term strategies. In general, the need for civic education components to be included in school curricula development for primary and secondary schools is a broad problem in the Pacific. Plausibly, outreach programs could be formulated using civil society organisation networks throughout the country. Curriculum development (see below) should involve components for visiting parliament during session, where practicable.

The UNDP recently commissioned a review of civic education programs in Fiji (UNDP 2003c) and has drafted a needs assessment of civic education in Fiji. While Fijian CSOs have voiced reservations about the general lack of consultation about these UNDP initiatives, unified approaches to civic education are clearly needed at the national and regional levels. As an initial measure, better dissemination of information in this sector is needed, especially because several CSOs in Fiji, as elsewhere, are engaged in civic education in various ways.

Across the region, there is a need for more opportunities for civic education to be offered at primary, secondary and tertiary levels and on an ad hoc basis for informal civic education programs. The insistence on 'good governance' training at USP combined with the creation of the new Pacific Institute of Advanced Studies in Development and Governance provides avenues for effective regional strategies for civic education for tertiary students, in addition to advanced training in research methodologies, academic writing and so on. Plausibly this will have long-term benefits for the Pacific. Long-term strategic linkages between the USP, its Institute of Advanced Studies in Development and Governance and the UNDP will bring long-term prospects for collaboration and UNDP support and possibly limited input into courses in the form of lectures and seminars will develop such a relationship further.

At certain times ad hoc or informal mechanisms are also needed to facilitate civic education. Organisations such as Vanuatu's Wan Smol Bag provide accessible and appropriate formats for the dissemination of quality information on issues such as public health, gender equity, the

rights of the child, environmental issues, immunisation, tourism, good governance and constitutional issues. Theatre is an appropriate means of communication in this environment. Regionally, similar groups have emerged in Fiji, Tuvalu and Kiribati that may also be harnessed to civic education purposes for regional and rural communities and for school visits.

Proposed initiatives for civic education and public information

Immediate

- § Improve networking and information dissemination with stakeholder organisations engaged in civic education.

Ongoing

- § Utilise its comparative advantage in regional programming to support curriculum development at the primary, secondary and tertiary levels.
 - Develop long-term strategic linkages with the USP, the Institute of Advanced Studies in Development and Governance.
 - Support and give in-put to courses in the form of lectures and seminars on parliamentary strengthening.
- § Support groups to contribute on an ad hoc or emergency basis to civic education in appropriate contexts.

3.5.2 Civil Society: Non -Government Organisations and other non -state actors

Mobilising public scrutiny of government is crucial to effective oversight. In the Pacific Islands, where communication networks are often limited, where members of parliament often appear inaccessible to the constituents, civil society organisations, including churches and NGOs, are able to act as intermediaries on issues of social relevance. Given that certain Bills before government may not be accessible to rural or undereducated people - who nonetheless are affected by legislation - CSOs might offer avenues for the dissemination of information on their content and ramifications. Already across the Pacific, NGOs are involved

in advocating for legislative change, contributing to policy discussions through consultative forums and contributing to public education programs.

At a regional level, NGOs are hampered by the lack of a coherent regional voice. The peak Pacific NGO, the Pacific Islands Association of Non-Government Organisations (PIANGO) has emerged from a period of relative inactivity, and is now dedicated to capacity building initiatives with regional NGOs, including Community Based Organisation (CBOs). In some instances, established NGOs, particularly in Fiji have engaged in peer exchange or network building with allied activists and organisations in other Pacific countries. This appears to be an effective means of fostering regional networks on key issues. For example, the Fiji Women's Crisis Centre (FWCC) is involved in regional networks encompassing Vanuatu, Solomon Islands, Tonga and Samoa. Through these networks, the FWCC has been able to run effective training programs for regional activists on legal literacy, organisation, lobbying and advocacy. The FWCC has also established solid relations with local organisations, such as the Fiji military and police force, where it has undertaken gender education programs. Although such strategies tend to focus on specific themes they contribute markedly to the overall understanding of legislation and the level of accessible information. Ongoing support for strengthening CSOs is necessary to this end.

CSOs play pivotal, albeit informal, roles in parliamentary process across the Pacific, especially regarding issues such as awareness raising and advocacy for domestic violence and family law reform. The informal mechanisms of civil society advocacy are clearly beneficial to the health of Pacific polities, the continued resistance to such activities by Pacific executives notwithstanding. UNDP could contribute to this process by gauging best practice in consultation with regional NGO stakeholders regarding advocacy and actual ongoing interaction with lawmakers on legal development (see 2.4 the Legislative Cycle) and supporting NGO capacity-building programs designed to strengthen this function. In concert with a more active role for secretariats in terms of drawing on civil society expertise for briefing papers such a measure could contribute to the strengthening of the legislative cycle, among other parliamentary functions.

Proposed initiatives for strengthening civil society parliament relations

Immediate

- § UNDP gauge best practice on CSO-parliament and CSO-executive relations, in consultation with regional NGO stakeholders and the Forum Governance Unit, to develop and support training and resource development for CSO advocacy and lobbying activities.

Ongoing

- § UNDP provide technical assistance and support to CSOs engaged in advocacy and lobbying to strengthen civil society input into lawmaking and oversight.
 - Support engagements between secretariats and CSOs to contribute to briefing papers such a measure could contribute to the strengthening of the legislative cycle, among other parliamentary functions.

3.5.3 Electoral support and political parties

Elections are the most explicit means by which the constituency is able to influence the formation of government and its ultimate direction. They are the keystone process by which governments remain accountable to the people. Yet in each country reviewed during the Legislative Needs Assessments there was apparent dissatisfaction with the electoral processes and parties contesting election in the Pacific tend to suffer organisational weakness. MPs are criticised across the Pacific for their poor relations with their constituents.

Over the past decade, the UNDP, in line with broad developments in international development practice, has given increasing thought to engagement with political parties as a means of strengthening parliamentary governance, particularly with regards to law-making, oversight and representation. Such strategies require extreme sensitivity in that they are potentially politically contentious and may jeopardise UNDP's neutrality.

Many UNDP support strategies were formulated to strengthen democratic politics in post-conflict or newly democratic countries. Thus, such strategies were designed to initiate rather than strengthen democratic politics. Many Pacific islands political parties have been in

existence for two or more decades, although many suffer from apparently weak unifying ideologies, local *raison d'être* or institutional weaknesses. Few strategies can be enacted to counter the perceived corruption of a member's responsibilities to the national interest rather than to their specific linkage to their constituents other than ensuring accountable and transparent mechanisms of governance, including open elections, oversight agencies and so on.

An appropriate strategy for strengthening the role of political parties in democratic systems is to contribute to making elections more accountable, through strengthening information flows, equitable coverage for political parties by journalists and civil society organisations. UNDP has comparative advantage over bilateral donors when engaging with political parties. One option is for UNDP to support journalists and CSOs during election time to bolster information flow and overall civic education. Possibly, this could entail funding travel for journalists and information exchange among journalists covering elections. In this way, the UNDP could facilitate accountable political practices and facilitate an even playing field between parties. Clearly, certain measures would need to be taken to avoid the use of such media for party political pronouncements or for individuals supported by UNDP initiatives to run as candidates in their own right. In Cambodia, the UNDP supported a program with the Ministry of Information to provide equitable political coverage to parties during election time. Similar programs could be conceived for PICs. Another potential initiatives could involve the establishment of temporary resource centres during election time at which parties could utilise graphic designers, computers and telephone lines, although, again, measures to ensure that resources are used equitably will be required. Several institutions have already established guidelines for engagement with political parties. (See e.g. www.idea.int, www.wfd.org and <http://library.fes.de>)

In several Pacific islands countries, party organisation is weak and this is an apt target for capacity building projects. The focus of most political party support by UNDP tends to be on areas of institution and capacity building in terms of political party operating structures, campaign strategies, candidate pre-selection and the role of parties in legislatures (UNDP 2003b). Pacific political parties could benefit from training in organisation and membership drives, for example. UNDP could support monetarily and organisationally existing avenues for capacity building initiatives organised by independent foundations, relevant government

bureaus and university units such as the State, Society and Governance in Melanesia Project (SSGM) and the Centre for Democratic Institutions (CDI) at the Australian National University. Other institutions in New Zealand, the United Kingdom and France will need to be explored. International networks and peer exchanges are organised through organisations such as the Westminster Foundation for Democracy (WFD), although few have targeted the Pacific islands for such programs. In addition, the Australian government maintains an office in the Department of Finance (Australian Political Exchange Bureau) which facilitates visits by politicians, primarily from Asia, and funds them to accompany Australian politicians on constituency visits. This, and similar initiatives in other countries, might offer politicians comparative experiences which they could draw on in their own countries. UNDP should therefore support and advocate for involvement of Pacific politicians in such programs.

Diplomatic posts in the Pacific already facilitate tours of international groups of politicians. Such tours tend to be multi-partisan. However, many diplomatic staff and development workers consider engagement between political parties from large regional countries and those from smaller ones as highly problematic and best avoided or discouraged. Under the rubric of UNDP's neutrality, however, avenues can be explored, drawing on the expertise of organisations such as WFD.

Proposed initiatives for electoral support and political parties

- § Support journalists and CSOs during election time to bolster information flow and overall civic education.
- § Facilitate knowledge networks about available exchange and study visit programs for Pacific parliamentarians, including advocacy among certain institutions such as the WFD and Australian Political Exchange Bureau to include greater opportunities for Pacific parliamentarians.
- § Strengthen partnerships with CPA, especially given its increasing focus on Pacific countries.

3.6 The Status of Women and their Participation in Public Decision -Making

Despite their increasing employment in the upper echelons of government bureaucracies throughout the Pacific Island states, women remain under-represented in national legislatures. Only one woman has been elected to the Tuvaluan parliament (two women are departmental secretaries). The Marshall Islands, the Solomon Islands and Vanuatu each have only one elected woman representative. Tonga has had three women elected to the Legislative Assembly but none has become a Minister. Of all the small islands states, Fiji has the strongest representation of women in national parliament: there are eight national representatives, five of whom are in the lower house and four of whom hold ministries.

Few women run for election to local, regional or national assemblies, although UNIFEM is engaged in advocacy and capacity-building programs across the region. While considerable progress has been made toward enhancing the status of women, the overall results have been mixed. Throughout the Pacific -- even where concrete initiatives have been taken to strengthen the position of women in society generally and in public decision-making specifically -- empowerment programs have had only limited effect. Enabling legislative frameworks have created structures to protect women by offering recourse to law but this has not translated into increased representation for women in parliament. International agencies and local NGOs have focussed on achievable reforms such as ensuring that laws are drafted in non-gender specific language and supporting legal and political literacy programs for grassroots women with an eye to facilitating the advancement of women at all levels of society. In Vanuatu, assured representation has been enacted to ensure women's representation in provincial assemblies, although this was reviewed negatively during the report of the Decentralisation Review Committee, tabled in 2003. The Papua New Guinea government has enacted legislation, aimed to enable women to participate equally with men in the affairs of the country, with limited success. Provisions in the Organic Law on the Integrity

of Political Parties and Candidates (OLIPPAC) designed to encourage parties to support women candidates have not translated into more women being elected to parliament.¹

Throughout the Pacific, many political parties publicly acknowledge the value of electoral support from women, especially those parties heavily dependent on urban, educated electorates. In Vanuatu, only the Vanua'aku Pati has built representation of women into its party platform but the other parties have either women executives or support their election in principle. In Fiji each of the major political parties advocates several programs to improve the position of women: publicly the parties advocate strong stances on sentencing for sexual offences, making sexual harassment a crime and long-term civic education strategies.

Yet deteriorating policy stability in Melanesian countries has heightened the space between legislative reform and the actual position of women. Thus, while there are no explicit legal barriers preventing women from running for office, societal structures make it incredibly difficult. While certain laws might contain provisions for gender empowerment, these are often not enforced. In effect, this means women are impeded at every step along the route to election to national parliament; this resistance is often couched in terms of tradition. In Vanuatu, women's organisations generally have been subject to recriminations and determined marginalisation, especially at times of political upheaval. The late Grace Mera Molisa noted that in Vanuatu the VNCW and VANWIP organisations were strategically marginalised from government circles. Because of an environment of political instability, she suggested male politicians were able to neglect:

women's views...(and) attempt...to thwart...women's participation in a Good Governance Project purposely set up to promote transparency and accountability in Vanuatu (VANWIP Project Completion General Report, 2).

Ironically, in Solomon Islands, post-conflict strategies raised the public profile of certain women's groups. While the position of women in warfare situations is characteristically poor, civil society commentators in Solomon Islands note that the successful role played by women as conflict mediators is encouraging men to view them seriously.

¹ Section 62 of the OLIPPAC provides that a female candidate who receives 10 percent or more of the votes shall have 75 percent of her campaign expenses refunded by Central Fund Board of Management to the political party that endorsed her.

Many Pacific political leaders claim they will not resist a greater role for women as long as they show respect for 'custom and Christianity'. Often this glosses the entrenched resistance that women face when they run for public office. In the Solomon Islands women leaders are criticised for being too confrontational (see e.g. UNDP 2001c). In Tonga, women have been characterised as 'too weak to talk straight' and therefore unsuitable for public duty (UNDP 2000b). In Vanuatu, the National Council of Chiefs has openly opposed the involvement of women in politics. The major complaint mounted by women's NGOs throughout the Pacific is that male politicians routinely trivialise such problems, or consider them domestic matters, outside the sphere of public policy.

The lack of overt legal impediments to their empowerment and entrenched attitudes among both women and men continue to undermine a greater role for women in public decision-making. In local circumstances where a poverty of opportunities appears to affect everyone, women's empowerment might create a backlash. Papua New Guinea's poor literacy rate and limited understanding of developments outside the country means that many people do not really understand why women should be singled out for special attention. Many people argue that women should not be privileged in any way, especially as the opportunity and freedom to participate is already available. That is, many problems facing women in their attempts to be elected to public office are simply too big to be tackled in the course of a legislative strengthening project. However, certain measures can be recommended.

UNDP (GOLD) and the United Nations Development Fund for Women (UNIFEM) have often had cause to collude on capacity building programs. The overlap in mandated areas suggests that these two organisations should continue to co-operate on future programs involving training for presiding officers, MPs, secretariats and civil society stakeholders. UNIFEM programs which target legal literacy (CEDAW and CRC), constitutional rights education, economic empowerment, political empowerment and gender equity as the key areas requiring support for women's empowerment and overlap with the UNDP governance projects terms of reference for capacity building.

Certain lessons must be drawn from prior attempts to support women's election to public office. By contesting Vanuatu's 1995 and 1998 elections as a non-partisan pro-women party, VANWIP increased public awareness of the issues surrounding under-representation of

women but in neither instance was a candidate elected. Similarly, programs in RMI created a backlash against women candidates (UNDP 2002b). In particular the cooptation of advertising, slogans and posters from other countries may offer cost-effective resources but appears to open such groups to charges that they represent foreign interests or are inappropriate to local needs. UNDP support programs, therefore, could focus on the development of local strategies, the provision of locally designed resource materials while maintaining support for knowledge networks between allied regional institutions.

Special attention to the empowerment of women is clearly warranted and should be granted ongoing support. UNIFEM has comparative advantage to support women running for public office over other organisations. The convergence in the missions UNDP's governance project and UNIFEM suggest that long-term strategic collaboration is required. Continuing support for such initiatives feeds into the overall process of democratic governance and will have follow-on effects for other areas of core importance to the UNDP governance project, such as fostering increasing respect for human rights.

UNIFEM and UNDP should collaborate on parliamentary strengthening projects as an area of shared interest. UNIFEM contributions to UNDP training or workshops for parliamentarians will be required. Both institutions would benefit from drawing on each other's professional networks. Cross sharing of lessons learned during the course of UNIFEM's and UNDP's respective programming areas offers an immediate measure for strengthening the relationship, especially given that UNDP's governance unit has comparative advantage on issues of institutional strengthening, parliamentary performance, obstacles to reform and a solid record in supporting capacity building. UNIFEM's comparative advantage on advocacy and specific capacity building projects relating to women would bring greater expertise to UNDP's parliamentary support program.

UNDP should assist UNIFEM's ongoing reviews of its programs 'analyzing progress, opportunities and obstacles to women's political participation' (UNIFEM 2000b: 11). This could be addressed through support for translating UNIFEM training modules into Pacific vernacular languages to ensure their effective and comprehensive dissemination. In addition, UNDP involvement in course development at regional institutions such as USP should target women for further training. Legal and political literacy training for Pacific politicians (both

men and women) on the functions of various government departments, the contents of laws enacted already in Pacific countries. Furthermore, support for training programs in advocacy and lobbying for relevant NGO activists – especially those working on issues such as HIV/AIDS, domestic violence and family law - will contribute to the overall health of Pacific polities, the abovementioned obstacles to such initiatives notwithstanding. Increased advocacy for systemic and cultural change among Pacific political parties to effect affirmative action will also be required (see above).

A key problem with furthering women's participation in public decision-making is that many programs tend to corral them away from men. This can be useful in building women's networks but it generally reinforces the existing problem. One option would be for UNDP, PIF and CPA, in collaboration with FPOC, to target women's empowerment through regular meetings on the topic (see below). There could be a regional body of serving and former women parliamentarians - this would be a relatively modest body of a few of dozen women - manageable and high profile. They could meet as a regional body - hosted by FPOC - to devise strategies and advise UNDP.

Proposed Initiatives for Strengthening the Status Of Women and their Participation in Public Decision-Making

Immediate

- § Support initiatives to translate UNIFEM training modules into Pacific vernacular languages to ensure their effective and comprehensive dissemination.
- § Assist UNIFEM's ongoing reviews of its programs analysing progress, opportunities and obstacles to women's political participation.
- § Contribute to course development at regional institutions such as USP to target women for further training.
- § Support training programs in advocacy and lobbying for relevant NGO activists – especially those working on issues such as HIV/AIDS, domestic violence and family law.

Ongoing

- § Collaborate with UNIFEM on parliamentary strengthening projects.
- § Co-operate on future programs involving training for presiding officers, MPs, secretariats and civil society stakeholders.

4.0 Forum Presiding Officers' Conference (FPOC)

As a series of regular meetings, FPOC fulfils an important function as the principal voice of Pacific presiding officers. It is the only forum in which such key stakeholders of parliamentary strengthening - the presiding officers - can discuss the ongoing activities and needs of regional parliaments meaningfully. It is recommended that FPOC in its current form be supported, noting that meetings could be incorporated into the programs of other annual meetings, such as general Forum meetings. FPOC would benefit from a slightly broader focus which would bring together secretariat staff at annual or biannual meetings. Close consultation with the Forum Governance Unit, Forum presiding officers, the CPA and donor governments will be necessary to develop plans for a future role for FPOC. Given donor reluctance to support the stand-alone secretariat for FPOC, it should remain a process of ongoing meetings, organised to coincide with other forum business.

The proposal to develop the Forum Presiding Officers Conference (FPOC) into a stand-alone secretariat recommends that it take responsibility for coordinating and managing support programs for Pacific parliaments, coordinating parliamentary strengthening projects and conducting regional seminars and so on (see e.g. PIF 2003a: 21; PIF 2003b). Significant political capital exists in the Pacific for greater regional co-operation, cross-fertilisation and communication on parliamentary strengthening. PICs appear to share many common obstacles to good parliamentary governance, although, as this report argues, significant differences are evident in magnitude between them. Most donors, while acknowledging the benefits of FPOC meetings, which have strengthened regional awareness of good parliamentary governance, are sceptical of plans to formalise the FPOC secretariat as a stand-alone unit. In particular, they have voiced reservations about the ability of member states to acquit their recurrent contributions to the proposed permanent, standalone secretariat and about the ultimate sustainability of the initiative. Crucially, the level of support for the

initiative among its key stakeholders – the Pacific Islands Forum states - has not been gauged. Representatives from key member states have voiced scepticism about whether the proposed secretariat will provide better access to development resources than current funding and development arrangements, which are predicated on close bilateral relations between countries or close alliances between regional parliaments. Although both donors and the region's secretariats recognise the need for a greater regional voice in discussions of parliamentary strengthening projects, they suggest that such a secretariat would duplicate several functions of existing organisations, including UNDP (GOLD) and CPA. Future strengthening projects will be channelled best through these latter organisations or supported on an ad hoc basis through donor countries, with a preference for strengthening projects to be coordinated by UNDP's governance project.

Donor representatives have suggested that the current structure proposed for FPOC will be unsustainable in the long-term, the provision of 100,000 USD per annum budget for 5 years by the People's Republic of China (PRC) notwithstanding (see PIF 2003b). The provision of seed funding by the PRC poses certain problems for a unified approach to parliamentary strengthening in the Pacific. Firstly, with the funds provided by the PRC, the secretariat may be established without attaining first majority support from all Forum Member states, seeking rather to attain this once the secretariat has been established. As an initial measure, the UNDP governance project should seek to gauge PRC position on appropriate parliamentary strengthening projects.

A closer strategic alliance between the UNDP and the Pacific Islands Forum - especially the Forum Governance Unit - will facilitate greater engagement with PICs. These two units should cooperate fully on parliamentary strengthening projects in terms of expertise, mandate and access to stakeholders. To reiterate arguments posited above, future UNDP support programs could firstly coordinate the separate but related development initiatives or facilitate regional information exchanges on existing support programs. This should involve high-level liaison between donor governments, regional agencies and recipient governments. Unified, cooperative approaches to parliamentary strengthening in the Pacific are overdue and crucial to the long-term success of such initiatives. As articulated above (see 2.1 Coordination of parliamentary strengthening projects), more effective systems for the dissemination of information relating to parliamentary strengthening projects are needed. An e-mail circular,

Internet knowledge network or newsletter to active participants in regional programs might be considered to facilitate this.

In preparation for the term of the new Secretary General for the Pacific Islands Forum, several reviews of the Forum's current functions are being undertaken, possibly with a view to the Forum adopting stronger deliberative functions. It is therefore unlikely that the Forum will be in a position to state definitively what its future directions will be for a period of 12-18 months (i.e. late 2004, at the earliest). Only at this stage can a future expanded role for FPOC and the Forum Governance Unit in parliamentary strengthening be revisited.

Recommendations on the future role of the Forum Presiding Officer's Conference.

Immediate

- § UNDP gauge baseline attitudes from PRC on appropriate support for Pacific parliaments.

Ongoing

- § UNDP support the continuation of FPOC in its current form, allowing for more emphasis to be placed on contributions from secretariat staff.
 - UNDP collaborate with PIF and the Forum Governance Unit to investigate a more appropriate and sustainable future role for FPOC than the proposal for a stand-alone secretariat.
- § UNDP cooperate with the Forum Governance Unit through joint support in the planning and execution of parliamentary strengthening projects.

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UNDP 2001b Integrating Reform. Legislative Needs Assessment Republic of Vanuatu. Consultant: Michael Morgan. Suva: UNDP-GOLD.

UNDP 2001c Rebuilding Parliamentary Rule Post-Conflict. Legislative Needs Assessment Solomon Islands, Consultant: Quinton Clements. Suva: UNDP-GOLD.

UNDP 2002a Building the Parliamentary Process. Legislative Needs Assessment Republic of the Fiji Islands. Consultant: Michael Morgan. Suva: UNDP-GOLD.

UNDP 2002b Marshall Islands Legislative Needs Assessment. Consultant: Dr. Jon Fraenkel. Suva: UNDP-GOLD.

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Appendix A: Mission Terms of Reference.

LEGISLATIVE REFORM PROGRAM FOR PACIFIC ISLAND COUNTRIES

Background

The Governance for Livelihoods and Development (GOLD) Programme is a regional programme of UNDP for the Pacific Islands that commenced implementation in 2001. The immediate objectives of the GOLD programme are set out below:

Accountability and Transparency

To increase accountability and transparency of national institutions by continuing to promote the eight principles of accountability adopted by the Forum Economic Ministers at their meeting in 1997 and through the promotion of international accountability standards and mechanisms including the Millennium Declaration and commitments made on Millennium Development Goals.

Parliamentary Support and Capacity Building

To increase the effectiveness and efficiency of national parliaments to perform their legislative and oversight functions, including improved consultation with civil society.

Human Rights Advocacy and Institutional Support

To increase PIC commitment to human rights instruments and increase awareness among decision-makers, NGOs and the public about rights-based development. GOLD also undertakes a range of other ad hoc activities in pursuit of good governance in the region.

A core governance problem in Pacific Island countries is the paucity of national governance systems that are participatory, accountable, transparent, efficient, equitable and based on the rule of law. Some good practices are being pursued in a number of institutions, but the overall weaknesses of core governance institutions, including the judiciary and parliament, curtails

the wider realisation of good governance and the implementation of best practices. An associated issue is the limited understanding of human rights by the governments and the people – even though their country may have ratified certain human rights instruments. Strengthening governance at all its levels will contribute to sustainable development in the region, by developing foundations for secure communities that can debate their problems in peaceful manner and for economic growth that will encourage and support the growth of livelihoods.

Since 1998, UNDP and the Pacific Island Forum Secretariat (PIFS) have worked very closely to assess the capacity of FICs to implement the Forum's accountability principles. One of the principal findings of this assessment was that FIC governments are often unable to implement four of the Forum's accountability principles fully unless their legislatures are proactive in demanding accountability. A closer assessment of the capacity of FIC legislatures revealed that most of them perform their constitutional roles of lawmaking, representation and oversight of executive actions very poorly.

Consultation with FIC Speakers over the need to strengthen parliaments resulted in an inaugural Regional Conference on Governance for Parliamentarians in April 2000 that was co-hosted by UNDP, Asian Development Bank and the PIFS in Nadi. The FEMM held in Niue, July 2000, considered the outcomes of the Pacific Parliamentary Conference and resolved to commend the initiative of FIC Speakers to the Pacific Islands Forum and for the PIFS and UNDP to formulate key principles accepted best practice for FIC legislatures. The Pacific Island Forum held in Tarawa, October 2000, endorsed the FEMM resolutions.

The inaugural Forum Presiding Officers Conference (FPOC), held in Tonga during April 2001, considered the FPOC Regional Action Plan and enlisted 29 guiding principles of best practice for legislative reform in Forum Island Countries. Accordingly, it pledged its commitment to the plan.

To date eight (8) comprehensive Legislative Needs Assessment (LNAs) have been conducted. Countries already assessed are Fiji, Kiribati, Marshall Islands, Papua New Guinea, Solomon Islands, Tonga, Tuvalu and Vanuatu. The studies primarily looked at the constitutional functions of parliament and then assessed current practice against PISF guiding principles of best practice.

The LNA reports have revealed the current development needs of Pacific parliaments, including current institutional and procedural constraints. They highlight the need to improve the capacity of MPs to perform their roles and the need to strengthen parliamentary support mechanisms. National workshops have been organised by UNDP for a few countries to allow parliamentarians and other stakeholder institutions to discuss the reports' recommendations and to agree on areas or issues they feel are important to address. To this end Kiribati, Tuvalu, Fiji, Marshall Islands and the Solomon Islands have already used the findings of the LNA to hold MPs consultative forum, to get consensus from Members of Parliament of what actions need to be taken to improve parliament performance.

The LNA reports and the reports on consultative forums for MPs will provide substantive inputs to the formulation of a regional parliamentary support project. While the Legislative Need Assessment highlighted problems unique to particular Pacific countries, several common problems were outlined which may be best addressed regionally, given the cost-effectiveness of the regional approach. Briefly the LNA reports have revealed a substantive amount of information about PIC legislatures. For example

Limited capacity of Parliamentary Secretariat. Inadequate library support and absence of relevant technical expertise inevitably limit the ability of members to formulate effective laws and to carry out effectively other parliamentary functions. The assessments suggested MPs' limited understanding of the constitutional role of Parliament and other parliamentary functions which are due to insufficient library support and training.

There are contrasting practices in PIC legislatures inasmuch as parliament constituency relationships are concerned. In some countries MPs hardly return to their constituencies, except when campaigns begin for national election, more so because of their assertion that they were elected on the strength of party manifestos than on any other basis. In other legislatures, MPs are required to return to their constituencies several times a year only as an established practice and not strictly under Parliamentary Standing Orders.

The parliament's oversight role was cited by all LNAs to be the most poorly performed function. In some countries, the Public Accounts Committees have not met for several years, while in other legislatures the PACs function inadequately. Despite the fact that nearly all PIC National Budgets have been changed to output or performance budget format, where

resources are now allocated based on achievable targets, there is no oversight mechanism from all FIC parliaments on the qualitative impact of the national budgets. There is also no single FIC legislature that is proactive in demanding for prompt accountability of public institutions, let alone NGO users of public funds, for audited and delivery reports.

Revision of standing procedures of parliament to include the public in the legislative processes as much as possible. There is very little participation of the public in the lawmaking process of Parliament. In some countries, a bill is referred to constituencies after its second reading for public comments, whereas in other legislatures it is not.

A particular development that should be encouraged is the engagement of parliaments in the Ratification of Treaties and its active involvement in overseeing the implementation of Human Rights conventions. Assessments show lags in enacting enabling legislation after ratification of certain human rights instruments let alone building capacity for their implementation.

The assessments also suggested some limitation be placed on the use of the Certificate of Urgency (usually signed by Head of Government to hasten the passing of a Bill without public consultation or inputs) and the timing of the No-Confidence motion.

Furthermore the assessments suggested the importance of providing Codes of Conduct for all MPs and a more transparent “declaration of interest register” for all MPs. A generic set of Codes of Conduct for MPs could be used to facilitate the development of such codes in countries desirous of such regulations. Both these regulatory measures should strengthen the performance of MPs and the sanctity and integrity of the legislature.

Rationale and Modality for UNDP’s Commitment to Strengthening Legislative Bodies in PICs

Capacitated parliamentary institutions are critical to the establishment and consolidation of democracy since they empower ordinary people to participate in the policies that shape their lives. Parliaments play a fundamental role in establishing the rule of law, protecting human rights, overseeing transparent governance processes, and ensuring national compliance with international obligations.

The Human Development Report points out that the results of democratic transitions are mixed. Many countries that once embraced democracy are suffering reversals, while there is also the disturbing spread of illiberal democracies – where elected governments act as their predecessor authoritative regimes did, depriving citizens of human rights and ignoring the constitutional limits of power. Hence there is a broad recognition that long-term development must extend beyond the event of an election and that a capable, vibrant parliament is essential to this development process. Parliamentary institutions are themselves venues for conflict resolution and mediation. It is incumbent upon UNDP to support parliaments in not only promoting it as the pillar institution for enhancing people’s aspirations democratically but as key vehicles for national reconciliation and conflict prevention.

In the next phase, GOLD intends to undertake regional activities and formulate specific direct programs for parliaments at country level. It would be appropriate therefore to conduct an analysis of the LNAs to identify which issues are best addressed regionally and which are best pursued nationally in partnership with other regional institutions, development partners, donors and UNDP country offices. A substantive project of support to parliaments will be identified as a result of the analysis.

Objectives of the LNA Review:

- § Assess the LNA reports and identify issues that are best addressed regionally and those that are best addressed nationally;
- § Review the existing international, regional and national institutional arrangements best placed to partner UNDP (GOLD) in its aim to strengthen capacities of PIC legislatures on a regional front as well as nationally;
- § Provide a list of legislative development outcomes at the regional and national levels with related outputs and proposed activities to enable achievement of outcomes at both regional and national levels;
- § Based on the above, develop a report with appropriate recommendations on the approach that UNDP should take in its parliamentary support program.

In fulfilling the above objectives, the consultant will work with the UNDP GOLD Governance Specialist who will provide support to the consultant as follows: -

- § Give a full brief of the objectives of the LNA Review and the expected outcomes.
- § Conduct a “desk” review of the LNA to identify common problematic issues for PIC legislatures.
- § Prepare a summary of common obstacles faced by PIC parliaments as they currently stand.
- § Prepare a summary of suggested strategies to overcome the obstacles.
- § Provide the consultant with a narrative of GOLD’s achievements, constraints and lessons learned in its work on parliamentary support to date.
- § Provide the consultant with a list of countries and official government contact persons in the PICs that are covered by the GOLD Programme.
- § Attend consultative/briefing meetings convened by the consultant pertaining to the LNA Review.
- § Provide support as may be required by the consultant in the course of his/her assignment.

Skills and Qualifications Required for Consultancy:

The person selected should have the following minimum qualifications:

Post Graduate Degree in Political Science, Public Administration, Law, Sociology/Gender studies or other relevant field.

Professional experience in conducting research or situational analysis in a range of subjects and addressing issues related to parliaments, legal/institutional framework and gender.

Work experience in assisting parliaments and parliamentarians in PICs and experience with parliamentary strengthening programs in other countries will be an asset.

Methodology

Consult and discuss with the GOLD staff, UNDP Country Offices, Pacific Island Forum Secretariat, PIC legislatures, government focal points, and other regional institutions and donors including NGOs and CSOs who have already worked with GOLD during the LNA and are potential partners in parliamentary support work.

- § Review all reports on LNA conducted to date and national workshop reports for MPs including national consultative forums to discuss the LNA findings.
- § Review annual reports of FPOC including reports of its early establishment.

Duration and Timing

The assignment shall be for a period of three weeks. The consultant will work from Suva, Fiji and consult persons outside Fiji by telephone, email or other means of communication. The LNA Review findings will be in the form of concrete activities to be implemented by GOLD and the PIC governments.

Reporting

The consultant shall submit a draft report for review by the GOLD Team at the end of the LNA Review.

- § The consultant's final report shall be submitted to the Regional Programme Manager, GOLD Programme for the Pacific not later than one week (seven days) upon completion of the review.
- § The report shall outline the findings of the LNA Review including specific recommendations on the concrete set of initiatives to be implemented by GOLD regionally and those that can be implemented nationally.
- § The consultant shall make recommendations on approaches to partnership at regional as well as national levels in GOLD's work on strengthening PIC legislatures.

Appendix B: Interlocutors

Date	Person/Position	Organisation
6 Oct. 2003	Mosese Dakunivosa, Governance Specialist	UNDP (GOLD)
7 Oct. 2003	Nicki Wrighton, Manager	NZAID, Suva.
7 Oct. 2003	Nicky McDonald, Manager (Phone interview)	NZAID Regional, MFAT, Suva.
7 Oct. 2003	Andrew Pope, Counsellor	AusAID, Suva.
8 Oct. 2003	Prof. Ron Duncan, Director	Pacific Institute of Advanced Studies in Development and Governance, USP.
8 Oct. 2003	Garry Wiseman, acting Program Director	UNDP (GOLD)
8 Oct. 2003	Maria Joao Ralha, Economic Advisor	European Commission for the Pacific
14 Oct. 2003	Mosese Waqa, Research Associate Masayoshi Ono, Project Formulation Advisor	Japan International Co-operation Agency, Fiji
14 Oct. 2003	Silinga Kofe, Governance Specialist (Phone interview)	ESCAP Pacific Operations, Vanuatu
14 Oct. 2003	Andie Fong Toy, Director Mose Saitala, Legislative Governance Advisor	Political, International and Legal Affairs Division, Pacific Islands Forum Secretariat.
15 Oct. 2003	Mr Chris Patterson, Director (Phone Interview)	Parliamentary Research Office, Australian Parliament House
16 Oct. 2003	John Taylor, Co- ordinator	Pacific Sustainable Livelihoods Programme, NGO Capacity Building Initiative, UNDP/CIDA

16 Oct. 2003	Mr David Hegarty, Convenor (Phone interview)	State, Society and Governance in Melanesia Project, ANU
16 Oct. 2003	Rev. Akuila Yabaki, Director	Citizens' Constitutional Forum, Suva.
17 Oct. 2003	Shamima Ali, Co- ordinator	Fiji Women's Crisis Centre, Suva.
17 Oct. 2003	Felicity Bollen, Executive Director	Pacific Islands Association of Non- Government Organisations, Suva.
17 Oct. 2003	Garry Wiseman, acting Program Director Mosese Dakunivosa, Governance Specialist	UNDP (GOLD), Mission Debrief.
21 Oct. 2003	James Ross Hurley, Parliamentary Support Consultant (Phone interview)	Asian Development Bank/Parliament of Vanuatu, Port Vila
22 Oct. 2003	Stephen Tarry, Political Secretary Alex Konrote, Projects & Education Officer	British High Commission, Suva
23 Oct. 2003	Leonard Chan, Co- ordinator	RRRT
23 Oct. 2003	Mary Chapman, Secretary General Eddie Blakelock, clerk House of Representatives.	Fiji Parliament
23 Oct. 2003	Amelia Siamomua, Director	UNIFEM, Suva.
27 Oct. 2003	Tom Wilson	Formerly Public Financial Management Advisor of Pacific Financial Technical Assistance Centre, Suva,

Appendix C: Consultants' Bio-data

Principal Consultant

Mr Michael Morgan is a research scholar in the Division of Pacific and Asian History, Research School of Pacific and Asian Studies, Australian National University. Morgan has nearly three years experience working in Vanuatu and is a fluent speaker of Bislama, Vanuatu's neo-Melanesian variant. Between 1999-2000, he conducted doctoral research in northern Vanuatu, focusing on local-level politics, the state and democracy. He has undertaken consultancies for the United Nations Development Program (UNDP), AusAID and the Vanuatu Cultural Centre. This is his third mission for the UNDP.

Advisory Consultant

David Hegarty is a diplomat, political scientist and consultant with long experience in the governance, politics, development and security of the Pacific Islands region. He is currently Convenor of the research and outreach project – State, Society & Governance in Melanesia – at the Australian National University (on secondment from the Australian Department of Foreign Affairs and Trade). His most recent assignments include: Leader of the Australian Election Observer Mission to the Solomon Islands (December 2001); Leader of the International Peace Monitoring Team in Solomon Islands (Jan-July 2001); consultant and adviser to the UNDP's Pacific governance program (1999-03); and as a consultant for AusAID on institutional strengthening in Solomon Islands. Hegarty was appointed Australian High Commissioner to Samoa from 1995 to 1998. He has previously worked in the Australian Department of the Prime Minister & Cabinet in Canberra, as an advisor to a former Minister for Trade and Overseas Development, and has held senior academic positions at the ANU and at the University of Papua New Guinea. (SSGM Project website: <http://rspas.anu.edu.au/melanesia>).