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Introduction

Thank you for the opportunity to participate in this panel discussion. The theme of the conference is timely. New developments in our globalizing world --- from the adaptation of economies to meet the requirements of WTO accession and implementation, to the emergence of China as an economic power, to new tensions in human security, witness the recent riots in the Ivory Coast and the conflict in Thailand between the Muslim south and the rest of the country which is primarily Buddhist --- continue to impress upon us issues of governance and the capacity of institutions, like the legislature, to serve as a forum for discussion, debate and mediation of competing interests.

The panel has been asked to address a number of issues that I am reducing to two questions: first, whether legislative committees are able to develop its Members’ understanding of WTO and international security issues; and second, whether the committees have sufficient staff assistance and/or technical expertise on the subject to allow for considered deliberation and review of legislative measures; and to engage various stakeholders and build public support for these measures.

To address these questions, I would like to begin by outlining briefly the challenges of globalization to governance and their implications on legislatures. I will then cite a specific example of how we in the Parliamentary Centre are responding to these in our legislative strengthening project in Cambodia. Finally, I will provide suggestions on building what I call a continuous learning framework for legislators and their staff.

Globalization, Governance and Democratic Institutions

The reality of “globalization” has been with us for a number of years. For the most part, we tend to focus on the issue of economic globalization, and yet everyday we are reminded that globalization is taking and has taken many forms. It has cultural dimensions, spawned by new technology and increased migration; it is manifested in security conflicts and threats that spill over traditional state boundaries and require international cooperation and resolve; it becomes self-evident as we deal with environmental issues like climate change or with issues of public health like the SARS crises.

Globalization suggests a world that is more and more linked and interdependent. But at the same time, it is also a world that is fragmenting, as nations and cultures react to threats to their identity and the fear of homogenization in an integrating world. To the extent to which globalizing processes, whether economic, cultural, ecological or military, transcend traditional boundaries, they challenge governance in three ways:

- (1) Globalizing processes and their impacts do not fit the political boundaries of our democratic institutions. Governments are no longer the only players in governance. International organizations, civil society, private interests, are all playing increasingly dominant roles.
- (2) The legitimacy of government actions and decisions are constantly in question. Citizens want to know and understand the forces that are changing their lives, and thus, the increasing calls for public participation, transparency and accountability.
- (3) The substance of public policy becomes more complex, interlinked, requiring expert knowledge and technical expertise. The requirement for specialized knowledge poses the danger that public policy discussion will be exclusive and left in the hands of politicians and experts. Interlinked issues sharpen conflicting objectives and are tougher to resolve, requiring enormous analysis, consultation, coordination and decision making resources.

Legislatures and legislative committees are caught in this web of governance challenges. Given this environment, do Members have the capacity and resources to perform their representative, legislative and oversight functions? What can be done to help them?

The Canada - Cambodia Legislative Strengthening Project (CCLSP): A Case Study

The Parliamentary Centre is delivering a four-year legislative strengthening program in Cambodia under the auspices of the Canadian International Development Agency (CIDA). This program is targeted to members of the Senate and the National Assembly, their Secretariats and staffs. One of the areas we are working on relates to Cambodia's accession to WTO.

Cambodia became the 148th member of WTO last October 13, 2004. It is the second LDC to join the WTO through the full working party negotiation process. Like all WTO members, it has no choice but to reform its domestic economic system in accordance with the WTO rules, that is, to reform its economy to conform to market mechanisms. All aspects of the economic system---taxation, finance, business practice, property and intellectual property rights, dispute resolution, etc., --- have to be addressed. The supporting political structure and process also have to be adjusted to reinforce the principles of a market-based economy--- competitiveness, liberalization and freedom of information. Like many developing countries, Cambodia's national institutions,

legislative and judicial systems, and governmental structures and organizations require considerable strengthening to implement its commitments as a WTO member and for it to benefit from its WTO membership. For example, Cambodia has to enact 47 laws and regulations to fulfill WTO accession promises. Our distinguished legal expert in this project has ventured that it is doubtful whether any Legislature could critically review these highly technical draft bills. Nevertheless, there remains a need to assist the Commissions (legislative committees) to address intelligently the Bills, to identify those that are critical for public hearing or consultation, if only to demonstrate their commitment to their newly-adopted Rule of Law Norms and Guidelines. These rules of law norms are the standards by which the members of the legislature agree to hold among themselves in performing their legislative and oversight functions.

Legislators and members of committees also need strengthened capacity in reaching out to the larger society--- the private sector, small and medium enterprises, the civil society organizations, individual citizens ----- in forging a national consensus on revising laws, formulating policy and in raising awareness and addressing impacts of restructuring that will occur in its various sectors like agriculture and the garment industry. Cambodia is short of human, financial and technological resources to meet the new challenges.

Examples of activities in our CCLSP project that help address these gaps include the following:

- (1) Development of rule of law norms and guidelines
- (2) Legislative drafting and analysis (47 laws have to be enacted to meet WTO requirements)
- (3) Review of legislation to establish a specialized commercial court
- (4) Training on public consultation approaches
- (5) Strengthening civil society organizations
- (6) Strengthening participation of women in the political system
- (7) Staff training on analysis, research and writing skills
- (8) Effective parliamentary administration—establishing organizational structures and supporting human resources, financial and administrative policies

Strengthening Legislatures and Legislative Committees: Needs and Opportunities

The legislative capacity- building needs we identified in the Cambodia project are by no means unique to Cambodia. Our experience has shown that these needs are apparent in all legislatures, including those in developed democracies. What differs is the nature and focus of the legislative strengthening activities. Our experience has also validated the fact that globalization, the information revolution and the knowledge economy have profound implications on the capacity and effective performance of parliamentarians. Their operating contexts have changed --- more dynamic, more demanding, and more complex. It is no longer sufficient for parliamentarians to rely on previous experience or prior

formal education to do their jobs and serve the public interest. They need skills, competencies and tools that evolve with changing needs and changing times. Parliamentary staff also have to hone their skills and competencies to facilitate the work of legislatures and enable legislators to manage their time and focus on critical issues.

There clearly needs to be a systematic approach to legislative capacity building. One way to approach this is through the establishment of a continuous learning framework supported by a permanent structure dedicated to the learning needs of parliamentarians. This framework would address three aspects on an on-going, just-in-time delivery basis:

- (1) Orientation on the basics of governance, role of legislatures and grounding on legislative process and procedures, and comparative practices.
- (2) The art and craft of being a legislator/parliamentarian – practical, up-to date skills training and tools and how-tos on the job. Examples: Effective committee hearing performance --what to ask, how to ask and how to evaluate what they are told; Understanding concepts of global governance and dealing with WTO and regional bodies--- basic literacy is essential, this cannot be left to experts or trade officials; legislators need to better understand the rules as the impact of trade on culture and social policy is critical; Communication and dealing with the media
- (3) Social context - in-depth workshops or seminars on contemporary public policy issues. Current topics that require special focus might include poverty reduction, human security and conflict resolution, and climate change by way of example.

A systematic approach to the continuing learning needs of an institution is now a part of many organizations. It has its precedents, most notably in the judiciary, as in the National Judicial Institute of Canada, which is a learning institution for judges and overseen by judges. I understand that here in the Philippines you have a similar learning institution in the Judicial Academy. It is not a far stretch to compare the issues faced by judges, the competing interests they must weigh in their deliberations and the demands on their time to that of contemporary legislators. A commitment to a similar strategic approach to legislative capacity building is long overdue and well worth the investment to make legislatures strong pillars of democratic governance.

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