CPA BENCHMARKS FOR DEMOCRATIC LEGISLATURES: PROGRESS IN THE PAST 10 YEARS

Moderator:
Senator Binta Masi Garba
(Nigeria)

Discussion Leaders:
• Mr Chris Steel, MLA
  (Australian Capital Territory)
• Hon. Zairil Khir Johari, MP (Malaysia)
• Hon. Thomas Mulcair, MP (Canada)
• Mr Anthony Smith
  (Westminster Foundation for Democracy)

Delegates in the conference workshop discussed the CPA's 'Recommended Benchmarks for Democratic Legislatures' (the Benchmarks) developed by the Commonwealth Parliamentary Association in 2006.

The benchmarks were developed and drafted by a Study Group of CPA Parliamentarians representing the nine different Commonwealth Regions with support provided by the World Bank Institute and the United Nations Development Programme.

The benchmarks are intended to be a guide for Parliaments and Legislatures to undertake self-assessments based upon a Commonwealth standard designed to specifically help institutions identify improved ways to function effectively and strengthen their democratic performance.

Discussion leaders from Australia, Canada and Malaysia discussed their perspectives and experiences of using the CPA Benchmarks to conduct self-assessments of their institutions. The workshop also heard from an expert in international affairs and development discuss the value of the benchmarks for both individual jurisdictions and for achieving international goals.

Outside expert, Mr Anthony Smith of the Westminster Foundation for Democracy (WFD) spoke to the development of the benchmarks. The CPA Benchmarks were developed to provide minimum standards of how Parliaments should act, behave and function to be met by all Commonwealth Parliaments. The benchmarks cover a wide range of areas including elections, parliamentary procedure, constituent representation, accessibility (by both the public and the press), diplomacy, ethical governance and parliamentary staff.

He stressed the importance of ensuring that the benchmarks are regularly updated. The benchmarks had been recently updated to address some technical issues, language hindrances and requirements that are not working in some jurisdictions. Regular revisiting of the benchmarks will ensure that they work at their best and are relevant to all jurisdictions.

Mr Anthony Smith also spoke to how the use of the CPA Benchmarks can assist in progressing the United Nations Sustainable Development Goals, specifically Sustainable Development Goal 16 (SDG 16): 'Peace, Justice and Strong Institutions'. He argued that whilst the goal did not specifically state the word 'Parliaments', the institution was implied as the outcome sought is to "build effective, accountable and inclusive institutions at all levels" and that this cannot be achieved without our Parliaments being strong, functioning and transparent institutions of democracy.

Discussion leader, Mr Chris Steel, MLA (Australian Capital Territory) discussed the use of CPA Benchmarks by Parliaments to conduct self-assessment. He promoted the use of self-assessments by Parliaments to demonstrate their performance and to highlight areas in which the organisation can improve.

Mr Steel discussed how his jurisdiction, the Australian Capital Territory Legislative Assembly, had utilised the benchmarks to conduct a self-assessment of their institution. In doing so, the ACT Legislative Assembly became one of the first legislatures to use the benchmarks to perform such an assessment.
Whilst the ACT Legislative Assembly managed to achieve a very good score of A minus, he noted that the use of the assessment had discovered areas in which the Legislature was lacking. The Legislature did fail in some areas, including the absence of a Code of Conduct for all staff.

Hon. Zainiil Khir Johari, MP (Malaysia) discussed how the benchmarks allow for comparison between legislatures. He outlined the experience of the Parliament of Malaysia. As it is a younger Parliament compared to other jurisdictions, it was still in its formative stage and he highlighted that in 2008, for the first time, the Government did not have a two-thirds majority. He argued that the Parliament of Malaysia utilises the benchmarks for self-assessment and whilst they may not be at 100% performance, they are performing well.

Outcomes from their self-assessment have been:
- Shortened duration for the notice of submitted questions from 14 days to 10 days.
- Establishment of a Special Chamber for dealing with urgent public matters.
- Introducing the permission for questions to be submitted with a days’ notice for Ministerial Questions.

Hon. Thomas Mulcair, MP (Canada) discussed how the CPA Benchmarks are a positive process for Parliaments. He argued that the benchmarks are not about shaming Parliaments as there is no grading system. The benchmarks allow Parliaments to take into account their own culture and history in development points to improve upon their processes.

He argued that there is significant value in utilising external parties, including academic and independent parties, to conduct and assist in assessments as an individual can never be truly objective in regards to themselves as is true for an organisation. The inclusion of the input of external groups also adds to the confidence in the assessment.

He provided an overview of when the Canadian House of Commons and Senate undertook a self-assessment utilising the benchmarks and that where they achieved less than full compliance provided a checklist for reform.

A number of delegates participated in the discussion that took place following the presentations by the discussion leaders. Participants discussed their experiences and challenges using the benchmarks in their own jurisdictions.

The workshop delegates as a whole were strongly in favour of the use of the CPA Benchmarks by Parliaments to conduct self-assessments, however there was some disagreement as to what methods should be used.

The discussions centred on the use of external persons and organisations to provide objective assistance and input as part of the assessment, as was suggested by one of the discussion leaders. A number of delegates expressed concern that the inclusion of third parties may infringe upon a Parliament's sovereignty. However as Hon. Thomas Mulcair, MP stressed, such use is only to occur 'where relevant' and should not be taken as mandatory. This discussion demonstrated the theme which was present throughout the presentations - the importance of ensuring that the benchmarks are flexible enough to be culturally relevant to each institution.

The four recommendations at the workshop were endorsed as follows:
- Branch President/ Clerks to assess their legislatures against the CPA Benchmarks to identify improvements and enhancements and to report on progress at future conferences.
- Where relevant, citizens, civil society and academia should be consulted when Parliaments conduct self-assessments with the CPA Benchmarks to promote transparency and accountability.
- Parliaments should use the updated CPA Benchmarks on Democratic Legislatures as a tool to ensure their contribution to SDG 16 (on inclusive and accountable governance).
- To conduct a regular meeting to review and enhance the CPA Benchmarks to suit the current developments.