

STRENGTHENING THE UGANDA PARLIAMENTARY SCORECARD

Introduction

The Africa Leadership Institute (ALI) released its' first groundbreaking and innovative *Parliamentary Scorecard 2006-2007* in December 2007. The voting public welcomed the scorecard with open arms while, on the other hand, the Members of Parliament (MPs) received it with mixed feelings accompanied by both negative and positive criticism. The Scorecard Project is an exercise aimed at scoring the performance of Ugandan MPs in an endeavour to contribute to better governance. It is based on the idea that it is possible to work within the framework of representative government but still maintain a high degree of public participation in decision making. By empowering constituents to monitor their elected representatives, it provides intrinsic benefits by strengthening civic engagement with Parliament. In strengthening Parliament in fulfilling its functions, the scorecard is boosting democracy and good governance. At the 2005 UN World Summit, member states reaffirmed their commitment to the Millennium Declaration and the Millennium Development Goals regarding the promotion of democracy, human rights, good governance and global security. Poor governance is characterized by corruption and weak governance and Uganda has had its fair share of poor governance over the past few decades. At independence in 1962, Uganda started off as a multiparty democracy till 1971, when 'Field Marshal' Idi Amin's military junta took over and ruled by decree for eight years. In 1980 multiparty democracy was restored only to be usurped by a military junta in 1985. In 1986, after a five year protracted guerrilla war, the NRM Government came to power instituting a no-party political system based on individual merit. Subsequent constitutional reforms between 1995 and 2005 culminated into the restoration of multi-party democracy. Uganda's Parliament is a uni-cameral, democratic, parliamentary system of government modeled on the **Westminster system** which is borrowed from the country's former colonial masters, United Kingdom and it is a series of procedures for operating a legislature.

Democracy is based on the idea that citizens have the right to freely choose their leaders and hold governments accountable for their actions. The health of any democratic dispensation rests on existence of an effective Parliament which both government and the citizens should demand for. While Parliament is empowered to hold the Executive accountable, who, then, should hold the MPs

accountable? MPs appear to be detached from their voters who hardly know what their MPs are actually supposed to do. 'Public opinion polls worldwide show a lack of trust of people in their national legislatures and majorities feel that their country is not governed by the will of the people.'¹ In Uganda, an Afrobarometer survey showed that 48% of the respondents thought their MPs were not effective because they neglect their constituencies only appearing during election campaign periods.² It is important for voters to have objective and transparent information to help them assess the performance of MPs individually and of Parliament in general and hence the AFLI Scorecard.

Scorecard Data and Methodology

The data for the scorecard is objectively, transparently and accurately sourced from debates in plenary and committee sessions using the Hansard for the former and plenary and committee attendance registries. The data is broken down into the broad categories of **performance** data which is the basis for the MPs' overall grade and relative standing and **positional** data which records the issues on which MPs focus and the positions they take. Performance data includes MPs' **attendance** and **participation** in plenary and committee meetings including the **influence** they wield in parliamentary business. Positional data focuses on each MP in terms of **topic** and **scope** of items they contribute to and the **position** they take in relation to government or opposition sides. This paper presents a theoretical background and proposals for strengthening the Scorecard as consultations with stakeholders continue.

Theoretical Background

The basic right of citizens to make, contribute to and influence decisions that affect them is grounded in both classical and contemporary political theory. Jean-Jacques Rousseau wrote in his book ***The Social Contract, Or Principles of Political Right*** (1762), that a perfect society should be controlled by the "general will" of its populace. Another classical writer, John Locke, also believed that a government can only be legitimate if it has been sanctioned by the people. In Greek city nation states, all residents used to converge at city squares to discuss and agree on issues of public importance and that is why Rousseau suggested that assemblies be held in which all citizens could contribute to determining the general will. Without this input from the people, he argued, there could be no

¹ UNDP, *Strengthening the Capacity of People's Elected Bodies in Vietnam*, 2006 pp. 8

² Michael Bratton, Gina Lambright, and Robert Sentamu *Democracy and Economy in Uganda: A Public Opinion Perspective Afrobarometer Paper No.4*

legitimate government. Importantly, this input cannot come from representatives, but must be from the people themselves. Rousseau postulated that every law the people have not ratified in person is null and void — is, in fact, not a law³ and that the legislative power belongs to the people, and can belong to it alone.⁴ Article 1 of the Constitution of Uganda is in concord with this because it states that power belongs to the people.

Similarly, in Africa, there was a hierarchy of traditional leadership stretching from the family, clan, council of elders up to the chiefs or kings through which views, opinions and concerns of ordinary people were channeled and addressed by those in authority. However, due to the complexities of modernity and population increase, the growing affairs of the State cannot be managed like in the ancient days. There is a need to have elected representatives to deliberate on the affairs of Government on behalf of the people and these are the MPs who enact laws, approve Government policies, budget expenditure outlays and service delivery programmes.⁵

The Roles of Ugandan MPs

Before the performance of MPs can be measured, their roles have to be well understood both within and without Parliament. It is, therefore, very important to first understand their *de jure* as opposed to *de facto* roles. What the public expects from their representatives appears to be at variance with the roles they are supposed to play as enshrined in the Constitution. Their voters expect them to single handedly develop the constituencies, attend fund raisings and funerals and pay school fees for their children. These central roles of MPs each involve a range of activities, and to some extent compete with one another for an MP's time and attention. In classical literature, the central roles of MPs shared by systems based on the Westminster parliamentary model are reflected in formulations of the role of Parliament and its members developed by John Stuart Mill and Walter Bagehot in the nineteenth century.⁶ MPs are expected to perform three central tasks:

- to consider, refine and pass legislation;
- to hold government accountable for its administration of the laws and authorize the expenditure of the required funds; and

³ *The Social Contract*, Book III, Chapter 15: *Deputies or Representatives*.

⁴ *The Social Contract*, Book III, Chapter 1: *Government in General*.

⁵ *Holding Members of Parliament Accountable* 2006 pp. xiii

⁶ See discussion in Dennis Smith, "President and Parliament: The Transformation of Parliamentary Government in Canada," in *The Canadian Political Process*, ed. Richard Schultz, Orest M. Kruhlik and John C. Terry, 3rd ed., Holt, Rinehart and Winston of Canada, Ltd., Toronto, 1979, p. 304ff.

- to determine the life of the Government through exercising the ability to provide or withhold support.

In short Parliament performs three functions namely the representative, legislative and oversight roles. Contemporary roles of MPs' emphasize two basic types of activity, reflecting long-standing Westminster traditional roles:

legislative activity (affecting laws and the policies that they reflect), and **surveillance activity** (focusing on the scrutiny of the government's administrative performance, including the spending of money).⁷ More recent roles include **constituency service activity** (assistance for individuals and the constituency) and **party responsibilities** (including both activities within the political parties and partisan obligations that affect the performance of other roles).

AFLI is aware that MPs have diverse roles in Parliament and at constituency level and its goal has always been to match the measurement strategy with the constitutional roles and responsibilities of MPs. While AFLI believes the measures in the first Scorecard captured many key aspects of an MP's responsibilities in plenary and committee sessions, we recognize that there is scope to improve a number of the measures in order to provide voters with better information regarding MPs' performance. Nowhere is this more apparent than in the responsibility of MPs to serve their constituencies, which we have yet to address as a core part of the Scorecard. Service to the constituency is by far the most important area missing from the first Scorecard, and we are prepared to build new measures into the second Scorecard to remedy this.

Proposed Action

A perception survey is planned and will be conducted to measure what the constituents expect from their MPs since the role of an MP seems not to be clearly understood by all.

Law-Making Activity

The cardinal role of MPs is to consider, refine and pass legislation and by participating in the legislative process, they give their constituents an indirect role in the shaping of important policies affecting their lives. **Article 79** of the

⁷ See, for example, Whittington and Van Loon (1996), p. 495ff; Thomas d'Aquino, G. Bruce Doern and Cassandra Blair, *Parliamentary Government in Canada: A Critical Assessment and Suggestions for Change*, Intercounsel Limited, Ottawa, 1979, pp. 80-81; and Linda Geller, "The Role of the Member of Parliament," *Quarterly of Canadian Studies*, Winter 1972, p. 123ff.

Constitution of Uganda, empowers Parliament to make laws on any matter for peace, order, development and good governance of Uganda. Acts of Parliament operationalises **Article 91** of the Constitution which bestows powers to Parliament to exercise legislative powers. Although it is public servants and cabinet ministers who have direct responsibility for drafting new legislation, MPs do influence legislation through debates in Parliament during committee meetings to examine legislation.

In playing the legislative function, MPs introduce legislation on their own and have the power to amend, approve or reject government bills. Uganda citizens are entitled to a parliament that can scrutinise and, where necessary, make changes to legislative proposals forwarded by the government. If government attempts to achieve autonomy in making public policy, it will be harder maintain its capacity to achieve desired outcomes. In trying to distance itself from Parliament, it undermines popular consent for the system of government. Government needs Parliament to give its approval to measures and, prior to doing so, to scrutinise those measures.

The most direct means by which an MP may "legislate" is by sponsoring a Private Member's Bill. **Article 94 (4) (b)** gives MPs the right to move a private member's bill within the limits prescribed under Article 93 (a) i-iv and (b). Under Article 94 (4) (c & d), a member moving such a private Member's Bill shall be afforded reasonable and professional assistance by the Attorney General's office and the respective department of government whose area of operation is affected by the bill. Private Members' bills are used as a means of drawing attention to ideas in the hope that they may subsequently be incorporated within government bills. Procedures nos. 31, 33, 35, 36 and 37 facilitate MPs to ask questions directed especially at Government Ministers to raise issues pertaining to protection of their constituents' rights and promotion of their interests. One of the most widely known, and consequently most effective, means by which MPs scrutinize government activity is the Question Time. MPs who are not satisfied with Ministers' responses to their questions may raise the subject of a question for brief debate on the adjournment of the House. MPs may raise matters during this question time in the hope of influencing a Minister to alter or initiate policies more in keeping with the views of voters. All MPs are expected and **must** raise **questions** in the House and Rule no. 27 gives them the leeway to raise petitions. Speeches made during debate on a government bill or representations made during the question time seek to persuade the Cabinet to move in directions advocated by individual MPs. In order to gauge the performance of any MP, it is very important to take into consideration the number of questions and petitions they have raised. The scorecard evaluates MPs on their attendance, participation, and influence in plenary sessions. Other areas where the MPs' performance can

be put to test are the private members' bills and raising matters of national importance. To be granted the opportunity to raise a matter of national importance, the MP should inform the Speaker in advance. All matters of national importance always appear in the first paragraph of the Hansard after the communication from the Chair. Individual members may also attempt to influence policy makers privately through telephoning, writing, or talking to Ministers and senior officials to discuss their policy concerns in the hope of persuading the government to change existing or proposed legislation.

Proposed Action

AFLI will collate all bills, questions, motions, points of order and matters of national importance raised by the MPs on the floor and gauge each MP's contribution. Parliament Public Relations department will be asked if MPs use the services accorded to them such as the research department, library, legislative council and the parliamentary press corp.

Surveillance Activity

Another key function of Parliament and the MPs is the surveillance or oversight activity where they act as an effective watchdog over the cabinet and bureaucracy so that neither abuses its responsibilities to Ugandans generally. The Ugandan Parliament is empowered in this endeavour by **Article 164** which gives it the accountability authority. It makes Permanent Secretaries accountable to Parliament for funds in their ministries and empowers MPs to monitor all expenditure of public funds. Parliament has to ensure that Government answers for its actions and those of the public officers. The National Democratic Institute defines the surveillance or oversight activity as "the obvious follow-on activity linked to lawmaking. After participating in law-making, the legislature's main role is to see whether laws are effectively implemented and whether, in fact, they address and correct the problems as intended by their drafters".⁸ In performing the oversight function, MPs have to ensure that government implements policies and programs in accordance with the wishes and intent of the legislature. They undertake this oversight function through overseeing the preparation of policy (*ex ante* oversight) and overseeing the execution and the implementation of the policies (*ex post* oversight). The surveillance activity should be welcomed as beneficial to the sitting (NRM) Government and not a threat. Bulldozing or

⁸ National Democratic Institute, "Strengthening Legislative Capacity in Legislative-Executive Relations", Legislative Research Series, Paper # 6, Washington, DC, 2000, p. 19.

bribing Parliament achieves no benefit because it undermines the popularity of both government and Parliament and results in poor and probably unpopular legislation. An effective Parliament ensures that government engages in well thought through legislation which passes all checks and probes in the full glare of public exposure. To undermine Parliament is to undermine the coherence, the stability and the authority of any government.

In overseeing the executive, Parliament has several different oversight tools at its disposal. The most common oversight tools are hearings in plenary committee sessions of the parliament, commissions of inquiry, questions, question time, the Inspector General of Government (ombudsman), Auditors General, and the public account committees. Question time is the most widely known, and consequently most effective, means by which MPs scrutinize government activity. The entitlement of committee members to question ministers and public service officials in the course of committee deliberations is an important means of exercising surveillance and achieving government accountability.

Parliamentarians are also involved in a series of additional activities directly focused on scrutinizing the activity of Government, and publicizing issues and concerns. The contribution of MPs in these areas is now seen primarily as a form of surveillance. While the surveillance function is served to a degree by all debates, the registering of concern with selected aspects of the Government's overall performance under conditions of heightened public visibility is a particular feature of special debates that occur periodically during each session of Parliament. Faced with problems involving the government and its ministries, constituents often turn for help to their MPs. The debate on the President's State of the Nation address which occurs at the commencement of each parliamentary session and the debates on the Budget and supply, during which the Government must defend its overall priorities and administrative record, present MPs with concrete surveillance opportunities. The State of the Nation speech by the President in which the government of the day outlines its major legislative initiatives for the upcoming session of Parliament provides an opportunity for a special debate in Parliament. MPs have to monitor and authorize the expenditure of the required funds after passing the laws. Most of the oversight work is done at the committee level although some is done at the plenary level. The contributions of MPs in these areas are seen primarily as a form of surveillance. **Article 90** empowers Parliament to appoint committees necessary for the efficient discharge of its functions.

Committees of Parliament:

- May call any Minister or any person holding a public office & private individuals to submit memoranda or appear before them to give evidence;
- May co-opt any MP or employ qualified persons to assist them in the discharge of their functions
- Shall have power of the High Court for—enforcing the attendance of witnesses and examining under oath, affirmation or otherwise; compelling production of documents; and issuing a commission or request to examine witnesses abroad.

Committees do not normally address legislation in principle, but are restricted to its detailed fine tuning. Virtually all legislation is considered in detail by standing committees, giving committee activity prospective significance as a means of legislative influence. Their detailed annual review of departmental spending estimates provides a particular occasion for holding governments accountable for administrative practices. The committees provide enhanced opportunities for MPs to perform their representative role. In legislative and standing committees, they participate in the detailed clause-by-clause scrutiny of bills and may participate in the review of appointments, the examination of departmental estimates, policy documents and plans, and the carrying out of investigative studies. In committee, where membership is kept deliberately small and procedural rules relaxed, they may speak freely and frequently, questioning witnesses (including departmental officials and Ministers) in the hope of influencing eventual government policy.

Constituency Service Activity

To represent their constituents effectively, MPs' must be in constant touch with the constituency. In the Scorecard, it is conceded that efforts to measure constituency activities is hindered by a lack of official data on offices, staff, and local visits, which data is not collected by parliament. Measuring constituency service is challenging and efforts by AFLI on this front will require close cooperation with Parliament and the MPs. As expected by their constituents, MPs have to devote a lot of their time providing assistance to individual constituents which is a generic role, deriving from the status of having been elected to membership in the House. Examples include contacting Ministers or public service officials, or using time in the House, to make known grievances of individual constituents and seek remedies. The voters need their MPs to ensure that their voice is heard by government when they have grievances. They need

the insurance of knowing that, if there is a problem, they can turn to their MP for help who in turn can force public officials to listen. More typically, however, constituency service primarily involves the provision of information and advice concerning the vast array of government programs now available, and is carried out by staff in a Member's local office. This service is performed by both government and opposition Members. Through this service, MPs' potential effectiveness in acting on behalf of constituents who have grievances over policies or their application is increased. Most MPs and their constituents appear to believe that the primary role of an MP is to cause development in their constituency. These are beliefs and attitudes, whether rightly or wrongly acquired, which have evolved over many years of misrule, unbalanced development and minimal presence of the state and its service delivery agents in much of rural Uganda. They are fallacious because under the National objectives and Directive Principles of State policy enshrined in the national constitution in particular **objective number XIV which** are now as per Article 8 A (1) and (2) made legally binding on government and all authority in Uganda, states **that social development is to be undertaken by the State in fulfillment of the fundamental rights of all Ugandans to social justice and economic development.** It is therefore the direct role of the executive in Government to plan for development. It is the state to endeavor to ensure that all development efforts are directed at ensuring the maximum social and cultural well-being of the people; and all Ugandans enjoy rights and opportunities and access to education, health services, clean and safe. It may be said that they contribute to development through the social policies they pass in the House. However, Central Government programmes have in many cases not percolated to the grassroots where only Civil Society and International organisations who deliver aid. That is why in 2005, the Government of Uganda introduced the Constituency Development Fund (CDF) to tackle poverty at the grassroots through financing development at constituency level through the elected MPs. The elevation of constituency service activity as a major occupation of MPs presents a paradox because on the one hand, such activity is carried out by virtually all Members and reflects a set of expectations consistently applicable to all. On the other hand, constituency service activity has no necessary and specific connection with Parliament, and is supposed to be, in principle, performed by public servants appointed to perform the citizen-liaison functions. Members do not necessarily need assistance from Parliament to carry out these services, although it maybe useful to do so at times. Equally, while ombudsman activity may at times furnish a Member with information better enabling him or her to engage in policy work, the refinement of legislation or the surveillance of the Government, it need not do so. While constituency service activity may make a

coincidental contribution to the Member's ability to participate within Parliament, it more typically competes with parliamentary participation for a Member's time. Members' awareness of this situation was apparent to the authors of one Parliamentary reform study who stated that Constituency service may occupy a great part of the MPs' time at the expense of other more core roles. Following consultations with the MPs, AFLI plans to report four distinct measures of constituency service:

1. *Whether the MP has an office in the constituency*
2. *Whether they employ a political assistant.*

Proposed Action

The above information will be gathered through an annual survey of the MPs who will be requested to provide information about their offices and staff. To ensure accuracy, visits to 20% of the offices and staff will be made as part of an audit process. Based on the survey returns the Scorecard will report whether an office or staff person is known to exist, and so if MPs choose not to respond to the survey, we will report them as not having (or being known to have) an office or staff person. (See Annex II).

3. *The number of LC-V meetings attended by the MPs. This information will be gleaned from LC-V clerk records.*
4. *Whether the MP has accounted for the CDF funds.*

Proposed Action

The Clerk to the Parliament will be requested to provide information about accountability for CDF funds. A qualitative survey on the usage of CDF funds will be carried out among the MPs and the data will be included in the next Scorecard. It would have been desirable to report on whether MPs visit their constituencies but MPs and Parliamentary staff agreed that this information would be too difficult to collect in a reliable manner.

Representative Role (Delegate or Trustee?)

Two hundred years ago, Edmund Burke, an 18th-century political philosopher, told voters that "...Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your

opinion...."⁹ In defining standards of elected representatives, he said "It is his (MPs') duty to sacrifice his repose, his pleasures, his satisfaction, to constituents; and above all, ever and in all cases, to prefer their interests to his own."

Should MPs perform their roles primarily as delegates of their constituencies, reflecting local opinion, or as "trustees," exercising independent judgment about issues? One school of contemporary thought argues that the role of the public should be limited to simply periodic election of its leaders. Having everyone participate on a continual basis, they argue, is impractical in large societies. Others insist that citizens benefit not just from the outcomes of decisions but from direct engagement in decision making. Participation strengthens, deepens and enriches individuals' understanding and appreciation of their own capacities and enhances their ability to work productively with others. MPs perform a representation function by representing the will of the people which is the legitimate source of authority in democratic dispensations. The people of Uganda have a right to petition parliament through their MPs. Advocates of the trustee role of an MP, say that the purpose of Parliament is not merely to reflect local opinion and interests. According to them, it is to define the national interest and that this process relies centrally upon deliberative discussion, compromise and independent judgment. Advocates of the "delegate" approach directly address concerns about responsiveness, by limiting the function of representatives to the direct reflection of opinion of the constituents. MPs, however, face the challenge of providing a convincing account of how individual representatives can serve as credible proxies for highly pluralistic publics, in which there may be no clear consensus on individual issues, and they also need to explain how a system of constituency delegates can be responsive to the needs of groups that are not territorially based, including national religious, ethnic, linguistic and social minorities. Parliament is a representative institution to protect and promote the people's will. The representative role of the individual MPs within the legislative process is based on their entitlement to put bills serving the interests of constituents, collectively or individually, before the House. MPs maintain a high profile in their constituencies and take part in local events and official functions there. They get the public views through attending local council meetings as one of the channels. **Section 6 of the Local Governments (Amendment) Act, 2001, states that 'A Member of Parliament may attend meetings of a Local Council in his or her constituency.'** MPs are obligated to attend plenary sessions. These meetings provide members with an opportunity to present the views of their constituents, raise new issues and

⁹ Cited in Franks, p. 57.

debate. It channels the views and concerns of the public in general and those of their respective constituents to the executive for attention and redress through motions, petitions, oral and supplementary questions. Constitutionally MPs represent the regional and local concerns of the constituents in Parliament and are in practice supposed to solve problems for constituents on a wide variety of government matters - from checking on individual problems with government departments to providing information on government programs and policies. MPs are, therefore, charged with promoting and protecting people's rights. In discussing the representative roles of MPs, two theoretical backgrounds have to be taken into consideration: Promotive and Protective Democracy. Protective democracy entails what the MPs say or do in pursuance of the protection of their constituents' inalienable rights and freedoms in particular or citizens of Uganda in general. This is the vein in which Locke analyzed the social contract between the people and the state. Rousseau, on the other hand, roots for Promotive democracy which entails promoting the will of the people and thereby promoting of their peoples' interests. So it is understood that at election time, the MPs as Peoples' direct representatives by implication, sign a contract with their constituents to protect their inalienable rights and freedoms from encroachment or denial by any authorities in the land as well as to promote their will and interests at all times, Their job is to ensure that in the discharge of government's power and duties, the rights and interests of citizens are not compromised, undermined and or marginalized. MPs sign a contract with their constituents to protect their rights and to promote their interests. This information can be captured at the Parliamentary level by tracking how the MPs help their people utilizing Parliament.

Party Responsibilities

Parties are a crucial unit within the democratic dispensations, and yet the electoral system and the formal workings of Parliament are all predicated upon the fiction that individual MPs enjoy sufficient autonomy to represent the interests and opinions of their constituents in a meaningful way.¹⁰ The issue of independence versus party discipline has attracted a good deal of attention because political parties are equally important to Parliament in a multiparty dispensation. MPs are involved in the intra-parliamentary party, shadow cabinets, *ad hoc* working groups and participate in electoral, leadership selection processes and national campaigns plus other functions. MPs as party members participate in their party and in other regional and issue-based caucuses. Party

¹⁰ Young, in Seidle and Massicotte, eds., p. 106.

caucuses may also serve as a forum for indirectly influencing government policy. However, party positions do not always represent the wishes and aspirations of the constituents. And therein can be found the source of some members being referred to as 'rebels' and accusations of them talking in the 'wrong forum'. This is so because all dissent to party positions is expected to be resolved within the caucus meetings.

There is no clear consensus among scholars concerning precisely how much an individual MP's independence is compatible with the practices of responsible government. Within the traditional processes of legislative and surveillance activity, MPs tend to represent party positions to the electorate rather than their constituents' positions. Political parties highlight the distinction between the roles of MPs in the Government and in the Opposition. Although they still share certain basic roles, there are normally significant differences between the responsibilities of government and opposition MPs. The parliamentary role of opposition MPs is to essentially oppose through legislative activities that publicize the weaknesses of government bills, along with the critical surveillance of all government activities. The contribution of opposition MPs to the legislative and policy process is primarily critical, but it sometimes results in positive substantive improvements by government. Equally, the relatively muted participation of government MPs in surveillance activities may highlight areas in which government performance genuinely is satisfactory. In these circumstances, it generates information that is needed by the public, along with that provided by opposition MPs. Together, positive and critical assessments of government provide a basis for full accountability, which involves accountability for success as well as for failure.

Party discipline applies even within committees, and limits the independence with which MPs can contribute once the Government has committed itself to legislation or a legislative objective. Dominance by the government majority, combined with tension between adversarial stances in the House and the more collaborative style of work required in committees, also constrain the potential legislative effectiveness of opposition members of committees. For government backbenchers, on the other hand, the committees may provide an opportunity for constructive, if modest, influence on the substance of legislation. Typically, this influence relies upon the willingness of the responsible minister to accept changes, and government members in conflict with the minister on significant matters may expect to be replaced by substitutes when the time comes for a committee to vote on proposed legislation. Conversely, the parliamentary role of government Members is essentially to support the Government; it consists centrally in the refining of legislation and its public defence in debate, with

relatively less significant participation in surveillance activity. Political parties have made participation in debates ineffective as a method of influencing opinion in the House concerning a bill or an amendment. However, determined opposition to a bill may indirectly influence its content by mobilizing public opinion and bringing indirect pressures to bear, which may induce its government sponsors to modify it. Similarly, behind-the-scenes lobbying for amendments can be effective, particularly if it is co-coordinated with the activity of interest groups and other stakeholders. Through lobbying, MPs may attempt to influence the members of their own party to adopt specific attitudes and policy proposals along the lines of those advocated by their constituents.

Some MPs argue that they are not able to contribute much in plenary and committee sessions because it was their party caucus chairpersons who are mandated to talk on their behalf. But **Article 78** of the Constitution clearly states that Parliament shall consist of members **DIRECTLY ELECTED to represent constituencies and also prescribes how other categories are elected to parliament. These procedures are not like those in Parliaments such as South Africa and Namibia which exercise political party proportionate representation in Parliament. In Uganda,** Parties and their caucuses are secondary because MPs are supposed to represent constituencies directly and not their political parties first and foremost. Here it is not the party that is primarily nominated or presented for direct nomination to represent the specific constituency and be elected by the people. It is an individual candidate who turns up for nomination though subscribing to a particular party. In Namibia or South Africa for example, it is a party list submitted according to seniority which is presented for nomination in an election not the specific candidate who turns up for nomination. The whole country is declared as an electoral area and the party with its manifesto and symbols are what citizens vote for and not necessarily the individual candidates. It is then the number of seats a party wins in an election that determine the specific party representatives drawn from the party lists earlier on submitted to electoral commission on basis of seniority. Ours in Uganda is a direct form of representation. The controls of MPs by Party Caucuses are therefore a sharp contradiction of Article 78. MPs should talk on behalf of their constituents first and foremost and secondly for their political parties. Essentially, the desired conditions are those that would free members from party discipline and other pressures external to the constituency while, at the same time, ensuring that public opinion in the constituency would be accurately reflected.

ISSUES, CONTROVERSIES AND EMERGING DIRECTIONS

In broad consultations with the people, civil society leaders, academics, and members of the media and in light of the productive consultative workshop held with MPs on 16 April 2008, AFLI is prepared to institute a number of reforms in an effort to strengthen the Scorecard in subsequent years. We recognize that the first Scorecard did not fully capture the richness of the various roles that MPs play, the positions they take, or their effectiveness in plenary and committee sessions. We now welcome the opportunity to work closely with Parliament in improving our measures. A number of specific concerns were raised in our consultations. AFLI will highlight each concern and then outline how it proposes to respond to it in subsequent versions of the Scorecard.

MPs complained that they are not well graded at committee level where only the committee chairman talks on their behalf. The scorecard provides information on committee membership and reports data on attendance and participation of the MPs. MPs can influence government policy by participating in committees which review government department activities and spending, as well as legislation. Government members of parliament also raise policy issues in caucus meetings of MPs of their own party and can lobby cabinet ministers.

Proposed Action

All MPs will be credited for the presentation of their committee reports, rather than giving credit solely to the committee chairperson. In order to reward MPs who actively participated in committee work, we propose to weight the share of lines dedicated to a committee report by the share of committee meetings an MP attended. AFLI welcomes a more formal process for recording and transcribing committee meetings – a “committee Hansard” – and we will provide whatever assistance Parliament might require in the implementation of this initiative. AFLI will form a joint steering committee with Parliament, to be composed of AFLI staff and MPs. This steering committee will meet regularly to discuss the Scorecard Project.

Other MPs expressed a concern that AFLI’s measurement strategy fails to take account of the fact that different MPs hold different positions in the House (Minister, Minister of State, Committee chair, Party Leader) and that these positions affect each MP’s ability to participate. We attempted to make these distinct roles clear in the Scorecard report, and broke out rankings separately for front benchers and backbenchers in describing the best performers. But these roles and responsibilities are critical to understanding how Parliament works.

Proposed Action

In future iterations of the Scorecard, AFLI will put significant effort into helping constituents to understand the performance of their MPs, relative to other MPs, ensuring that voters know that Ministers play roles that regular MPs do not.

Some stakeholders have expressed concern that AFLI's method of collecting data on the political positions MPs take as being inadequate. While AFLI believes that its current strategy is the best it can do with the available data, the measure could be improved if Parliament were to implement a system of electronic voting. At present there are no records of one of the most important actions taken by MPs—casting a vote in favor of positions he or she supports and against those he or she opposes. This is one of the greatest impediments to evaluating the activities of MPs in parliament.

Proposed Action

AFLI calls for the introduction of electronic voting as the best way for generating greater transparency about the positions MPs take and their performance. It is committed to working with Parliament to raise funds for the implementation of electronic voting. AFLI will sign a Memorandum of Understanding with Parliament in order to ensure that AFLI has reliable access to all of the information necessary to report accurately on the performance of MPs and to lay out clear expectations about the information that will be made public.

AFLI is confident that its current measures of activity – plenary and committee attendance, plenary and committee participation, and influence – capture meaningful facets of MP performance that are broadly relevant to the effective functioning of Parliament. However, AFLI concedes that more can be done, and the feedback MPs have provided is useful and shows a way how to proceed. In the next iteration of the Scorecard, we plan to include a measure of each MP's reputation among their peers. For some issues MPs have the best information regarding which Members are most effective. The challenge is to find an equitable way to elicit this information.

AFLI hopes to employ a system in which MPs will annually be requested to rate each other on the following five characteristics:

- *The quality of the MP's interventions in Parliament.*

- *The MP's ability to lead in developing legislation on issues of importance to the country.*
- *The MP's ability to build support among other MPs for legislative activities*
- *The MP's effectiveness in representing Parliament to the public, thereby strengthening the institution.*
- *The MP's effectiveness in providing oversight of the activities of the executive.*

Proposed Action

Safeguards will be put in place to ensure that adequate information is collected about all MPs including leaves of absence sanctioned by the Speaker. Each MP will be provided with a questionnaire with a list of 15 other MPs and request them to rank these 15 on each of the measures. In this way, each MP will be ranked anonymously by 15 others on the five dimensions which will be used to produce aggregate scores for each MP to be included in the Scorecard. We will only report scores for an MP if at least 3 other MPs provided a reputation score for that person. Each MP will be asked to rank all other MPs in a manner that encourages MPs to focus on individual merit rather than simply in party political affiliation. These steps, we hope, will help ensure that this measure is generated in an equitable manner; ultimately however the quality of this measure, as for the constituency measures, will depend on the response rate to the survey.

Institution Level Audit

There is a need to make a macro-analysis of the collective role of parliament as an institution. Parliament has resources like the library, research unit, legal (for assistance in drafting private members bills), Planning and Development office (which takes care of capacity building through training, study visits and exchange programmes), Clerk's office (whereby Assistant Clerks cover every committee by taking care of documentation) and the Public Relations office which organizes press conferences. Here the questions would arise include: How often do members use these services? How much was spent on Parliament? How much of it came from donors? Is there value for money? What is the appropriate time frame to pass Bills? What is the overall output of the House? Does Parliament hire experts to advise it to make good laws?

In the surveillance activity, Parliament is also supposed to get annual reports from the IGG, Auditor General and other departments. How often do they get these reports? Do they discuss them? Where are the outputs?

Parliament is supposed to make its own investigations in various matters. What reports are on the table following any such investigations? We shall track how long processing a piece of legislation takes. The 1991 Harare Declaration which was resolved by CHOGM agreed that any legislation introduced in parliament must be accompanied by a certificate of compliance with the country's human rights obligations. Has parliament complied with the requirement? **Article 44** deals with the prohibition of derogation from particular human rights and freedoms.

Proposed Action

The input-output ratio method will be employed. This entails, say, the number of bills introduced being compared to the number passed and how long it took for them to be passed.

Conclusion

AFLI was very pleased with the response to the Parliamentary Scorecard, which was released in December 2007. There is broad appreciation, across the political spectrum, of the importance of greater transparency in Parliament and many see a real opportunity to use the Scorecard as a mechanism for educating voters about the roles and responsibilities of MPs.

With the foregoing adjustments, AFLI hopes that its Scorecard will equitably and empirically capture the performance of all MPs. We pledge to uphold the Parliamentary Performance Scorecard founding principles of objectivity, transparency and accuracy. In order to ensure that all of these reforms are worthwhile and are implemented in a way that will be beneficial to both Parliament and to the voting public, AFLI is prepared to work more closely with Parliament in the coming months and years.

ANNEX 1



P.O. Box 23277 Kampala-Uganda
Naguru Summit View Road
opposite Plot 7 Naguru Hill, Kampala,
Tel. +256 31 2265452, +256 41 4578739,
E-mail: info@aflia.org

To:
From: AFLI

Dear Honourable MP,

RE: Request for Constituency Data

In the wake of the publication of its Parliamentary Scorecard, the Africa Leadership Institute (AFLI) consulted broadly with MPs and the public on ways to improve its assessment of MPs' performance. All sides demanded that more information be included to reflect the various roles of MPs and their effectiveness, and the **MPs in particular have asked for a larger participatory role in the production of the Scorecard**. The attached questionnaire is a first step towards providing more information and soliciting your participation. The citizens, through various public fora, have expressed their support for this effort. All MPs are therefore encouraged to kindly complete the questionnaire to allow for a more accurate and diversified reporting in the forthcoming publication covering the period June 2007 to May 2008.

Constituency Performance. MPs and voters alike pointed to the need for reporting on MPs' constituency performance, as activities in the constituency are an important aspect of the responsibilities of all MPs. We agree wholeheartedly, and we would like to invite you, the MPs, to participate by providing this information on the following page.

Quality of Contributions. In addition, many stakeholders requested that AFLI measure the *quality* of MPs' contributions, rather than simply the *quantity*. Since MPs often have the best information regarding which Members are most effective in the House, we have included an assessment index of each MP's **reputation, to be evaluated by his or her peers**. You are therefore requested to provide your opinion about the performance of 15 other randomly selected MPs in the attached form.

We anticipate that providing this information will not take too much of your valuable time, but will help put information on your scorecard that would otherwise be lacking and will greatly increase public understanding of your performance. We kindly request that you complete these surveys at your earliest convenience and return them to the Public Relations Office of Parliament (before 17th June) or to the AFLI representative present in the lobby of Parliament from 9am-5pm between 17th and 26th June. We cannot guarantee that we will be able to include information submitted after **26th June**.

If you have any questions about these surveys or the Scorecard Project in general, please do not hesitate to contact me at 0392-822705.

Thank you, in advance, for your cooperation in responding to this request.

Sincerely,

David Pulkol
Managing Director, Africa Leadership Institute

I. CONSTITUENCY ACTIVITIES SURVEY: INSTRUCTIONS

Information about CDF Spending and General Achievements in the Constituency

Parliament requires that MPs account for the CDF money distributed at the beginning of the session. However, this does not allow the MP to describe fully how he/she has served his/her constituents. To help provide constituents with better information we would like to **give MPs the opportunity to describe how they spent their CDF money last year**. Note that even if you have not accounted for your CDF spending with the Clerk, you may describe your spending on this form for inclusion in the Scorecard. In addition, we provide space for you to **describe what you achieved for your constituency last year outside of CDF spending**, information that may be included on your scorecard for the second session.

Information about Local Visits

We have been made aware that our measure of attendance at local council meetings may be imperfect. While we believe that LC-V attendance is a good measure of service to the constituency, we would like to provide MPs the opportunity to supplement their record with information about how often they visit their constituency.

- We define an official visit as a trip to the constituency for official Parliamentary business during which an MP consults with local officials and/or constituents on policy matters.

Information about Local Offices

We believe that constituents should be able to petition their representatives without undue burden. To assist voters in this effort, and to enable MPs to communicate with their constituents, the 2007-08 Scorecard will report whether each MP maintains a local office and political assistant. Because Parliament does not keep records of local offices and staff for each MP, we kindly request that you indicate on the attached form whether or not you have been maintaining a local office (aside from your personal residence) and a political assistant in your constituency since the beginning of 2008.

- A local office is defined as a publicly accessible structure with at least one room that is physically distinct from the MP's residence.
- An office is considered maintained if it is open to the public at least 8 hours a week, on average, during which the MP or a staff member is present to receive visitors and respond to inquiries.

Quality Assurance.

MPs may be concerned that the information collected in this manner may in some cases be inaccurate. For this reason, AFLI in collaboration with CSOs and CBOs in each constituency will attempt to verify the information about offices and staff provided here. Based on the audits, AFLI will publish a list of MPs whose information we were unable to verify.

Suggested Timeframe

While we recognize the constraints placed on Members' time during the final weeks of the session and the first weeks of the next period, we kindly request that you return these forms at your earliest convenience. While we are not setting a formal deadline for receipt of the forms, if you would like your information to be included in the second annual Scorecard, we need to have received it by Thursday, **26th June, 2008**. **Please note that MPs who do not submit a form will be recorded in the Scorecard as *not being known to have an office or staff person or having used the CDF funds*.**

Returning the Form

To facilitate MPs in returning the form, there will be a receptacle in the PR office until 17th June, and between 17th and 26th June, **AFLI will have a staff member present in the lobby of Parliament from 9am to 5pm every day that Parliament is open for business.** We ask that you sign the log confirming receipt of your survey when you drop the forms off with the AFLI representative.

REQUEST FOR INFORMATION FROM MPS ABOUT LOCAL OFFICES

| | |
|--|--|
| 1. FULL NAMES OF MP (UNDERLINE SURNAME) | _____ |
| 2. MP'S CONTACT | Phone: _____ E-mail: _____ |
| 3. DO YOU MAINTAIN A LOCAL OFFICE IN YOUR CONSTITUENCY? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 4. IF YES, WHAT TYPE OF STRUCTURE IS IT? | <input type="checkbox"/> SHOP <input type="checkbox"/> FARM <input type="checkbox"/> POLITICAL OFFICE ONLY <input type="checkbox"/> OTHER (PLEASE SPECIFY): _____ |
| 5. LOCATION OF THE STRUCTURE (PLEASE PROVIDE SUFFICIENT DETAIL TO ALLOW AFLI TO VERIFY THE LOCATION – TOWN, TRADING CENTRE, STREET/ETC.) | _____ _____ _____ |
| 6. DO YOU HAVE A POLITICAL ASSISTANT IN THE CONSTITUENCY? | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 7. IF YES, WHAT IS THE ASSISTANT'S CONTACT | Name: _____ Phone: _____ E-mail (if any): _____ |
| 8. IF YOU DO HAVE AN ASSISTANT DOES HE OR SHE WORK FULL-TIME OR PART-TIME? | <input type="checkbox"/> FULL-TIME <input type="checkbox"/> PART-TIME |
| 9. ON AVERAGE, HOW OFTEN DID YOU VISIT YOUR CONSTITUENCY IN AN OFFICIAL CAPACITY FROM JUNE 2007-MAY 2008? | <input type="checkbox"/> ONCE EVERY MONTH <input type="checkbox"/> ONCE EVERY 3 MONTHS <input type="checkbox"/> OTHER (PLEASE SPECIFY): _____ |
| 10. HOW DID YOU UTILISE THE CDF MONEY FOR THE SECOND SESSION? (PROVIDE A DESCRIPTION OF ACTIVITIES AND, IF MORE THAN ONE ACTIVITY, APPROXIMATE AMOUNTS SPENT ON EACH). (NOTE THAT, IF YOU FEEL IT IS NECESSARY, YOU MAY USE THE BACK OF THIS SHEET TO PROVIDE INFORMATION ON YOUR OTHER ACHIEVEMENTS FOR THE CONSTITUENCY.) | _____ _____ _____ _____ _____ |

"I declare that, to the best of my knowledge, the information provided by me is accurate, and I understand that it is subject to verification and may be published in the AFLI Scorecard."

SIGNATURE OF MP

DATE

Collation of this data for inclusion in the Parliamentary Scorecard begins on 26 June, 2008. It would be most appreciated if we received this form before then, and if we do not, unfortunately we cannot guarantee that we will be able to include your information in this session's Scorecard.

MORE BROADLY, WHAT DID YOU ACHIEVE FOR YOUR CONSTITUENCY (OUTSIDE OF CDF SPENDING) FROM JUNE 2007 TO MAY 2008?

III. REPUTATION QUESTIONNAIRE: INSTRUCTIONS

AFLI requests your assistance in completing the attached questionnaire, which will help in assessing each MP's reputation. Please note that for confidentiality purposes we do not ask you to write your name on this questionnaire and, in addition, you may return the form separately (perhaps in another envelope) from the constituency data form.

Guidelines

We request you to **assign a score** to each MP listed below on the five distinct dimensions of reputation described here. **To assign a grade, circle a number between 1 and 5.** Top performers should receive a 5, above-average performers a 4, average MPs should get a 3, below-average performers a 2, and the least effective Members should receive a 1. The *average* score that you assign should then be approximately 3.¹¹

Dimensions

- **QUALITY AND RELEVANCE OF CONTRIBUTIONS IN PLENARY AND COMMITTEE.** The idea here is to score not based on how much an MP contributes, but rather whether the contributions are **effective** and **influential** in Parliament – whether his/her contributions add value to the debate.
- **ANALYSIS. How active the MP is in scrutinising legislation.** Some MPs provide valuable leadership in the legislative process. This leadership might be displayed through offering amendments to or scrutinising bills, lobbying, or presenting ideas during the legislative process.
- **COALITION BUILDING/TEAMWORK. The MP's success in building support among other MPs for legislative activities.** Some MPs are very effective in building support among others for important initiatives and providing leadership in the House. Note that individuals may be considered to be strong at coalition building even if because of their positions or partisan affiliation their efforts are not ultimately successful. Is this MP an effective leader, coalition-builder, and team member in Parliament?
- **PUBLIC IMAGE. The MP's effectiveness in representing Parliament to the public.** Some MPs act as public faces for Parliament and exert significant effort to enhance the institution and its reputation. Is this MP vocal in representing Parliament's interests? Does he/she conduct him/herself in a manner befitting of an MP?
- **OVERSIGHT OVER THE EXECUTIVE. The MP's effectiveness in providing oversight of the activities of the executive.** A key role of MPs is to oversee the policies and budget decisions of the executive branch, especially in committee work. Does this MP actively scrutinise bills and budgets in committee? Does he/she participate in field visits? Does he/she ask relevant questions and solicit responses from witnesses providing evidence in committee? Is he/she effective in using other means to collect useful information on the activities of the executive?
- **INTRA-CAUCUS INFLUENCE (Note: Government MPs should only grade other Government MPs, and Opposition Members only other Opposition Members).** Some MPs play an important role in shaping their own parties by fostering and encouraging junior MPs or by helping to

¹¹ Note that final scores for each MP will be statistically adjusted to ensure that there is no bias toward any one party or group. For this reason it makes no difference whether on average you assign higher scores to government or opposition members; what matters is how individual members are scored relative to others within these blocks.

determine the party platform in the caucus. Note that you may consider an MP influential even if you are critical of the direction in which he takes his or her party. To what extent do you think this MP plays such an influential role within his or her party?

Resources

Africa Leadership Institute. *Holding Members of Parliament Accountable*. 2006

Africa Leadership Institute. *Parliamentary Scorecard 2006-2007: Assessing the Performance of Uganda's Legislators*. 2007. Kampala.

Alison Dunn and John Gaventa, *Building Inclusive Citizenship and Democracies*. Institute of Development Studies, University of Sussex, Brighton.

Cassandra Blair, *Parliamentary Government in Canada: A Critical Assessment and Suggestions for Change*, Intercounsel Limited, Ottawa, 1979

Jack Stilborn, *The Roles Of The Member Of Parliament In Canada: Are They Changing?* Political and Social Affairs Division Canada 31 May 2002

Linda Geller, "The Role of the Member of Parliament," *Quarterly of Canadian Studies*, Winter 1972

Michael Bratton, Gina Lambright, and Robert Sentamu *Democracy and Economy in Uganda: A Public Opinion Perspective* Afrobarometer Paper No.4

National Democratic Institute, "Strengthening Legislative Capacity in Legislative-Executive Relations", Legislative Research Series, Paper # 6, Washington, DC, 2000, p.19.

UNDP, *Strengthening the Capacity of People's Elected Bodies in Vietnam*, 2006

Wikipedia, the free Encyclopedia.