

Indicator 1.11: Key parliamentary powers

About this indicator

This indicator concerns key parliamentary powers relating to security, defence and foreign affairs. Although some of these policy areas have often traditionally been considered to be led by the executive, many parliaments have key decision-making powers, and all parliaments play an important oversight role.

As an ever-increasing number of policy areas – such as climate change, trade and internet policy – can only be addressed at a global level, parliaments are playing an increasingly prominent role in international affairs. There is therefore a need for regular interaction between parliament and the executive around the international dimensions of policymaking.

This indicator also covers parliamentary diplomacy, which has taken on new forms and significance in recent years.

This indicator comprises the following dimensions:

- Dimension 1.11.1: Security
- Dimension 1.11.2: Defence
- Dimension 1.11.3: Foreign affairs and international agreements
- Dimension 1.11.4: Parliamentary diplomacy

The Indicators for Democratic Parliaments are a multi-partner initiative coordinated by the Inter-Parliamentary Union (IPU), in partnership with the Commonwealth Parliamentary Association (CPA), Directorio Legislativo Foundation, Inter Pares / International IDEA, the National Democratic Institute (NDI), the United Nations Development Programme (UNDP), UN Women and the Westminster Foundation for Democracy (WFD).

Dimension 1.11.1: Security

This dimension is part of:

Indicator 1.11: Key parliamentary powers

• Target 1: Effective parliament

About this dimension

This dimension concerns the role of parliament in security policy and governance.

State security providers are the security institutions established by the State and authorized to use force on its behalf. The use of force includes the threat to use force and the limitation of certain basic rights under specific circumstances defined by law. Every security sector is different, but typical State security providers include:

- armed forces, such as the army, navy, air force, coastguard, and other military and auxiliary formations
- public law enforcement agencies, such as police, gendarmerie and auxiliary policing forces
- executive protection forces, such as presidential guards or close protection units
- intelligence services, both military and civilian, foreign and domestic
- border guards and customs authorities
- reserves and local security units, civil defence forces, national guards, civil protection and emergency formations, and commercial security providers contracted by the State.

The principle that security services should be subordinate and accountable to democratically elected political leaders has long been seen as a basic condition for the effective functioning and well-being of democratic societies.

Parliament plays an essential role in ensuring that the security sector operates in a manner that is rooted in respect for the rule of law and human rights. Parliament is required to determine the legal framework for security policy and, in its oversight role, to ensure that the actions of the security sector are mediated through participatory and transparent processes which take into account the needs of all groups in society.

Parliament should have permanent mechanisms for oversight of the security sector, which should be included in the mandate of one or more committees, such as a specialized committee addressing security, law enforcement and intelligence, or a joint committee which also covers defence issues. MPs need sufficient knowledge and ability to undertake the necessary legislative groundwork to develop and implement security sector policy frameworks. It is therefore important to strengthen the capacity of parliamentary committees responsible for security issues and to empower MPs in their security oversight work.

See also Dimension 1.7.2: Access to information from the executive.

Aspiring goal

Based on a global comparative analysis, an aspiring goal for parliaments in the area of "security" is as follows:

The legal framework invests parliament with powers to scrutinize, amend, adopt or reject legislation related to the security sector and to ensure that it is compliant with human rights standards and international obligations.

Parliament has well-established practices for security sector oversight, including oversight of policies, budgets and appointments. MPs have the opportunity to debate security-sector policy and practice in the plenary and in committees. A specialized committee has wide-ranging powers to

investigate security-sector issues, gather evidence and carry out inquiries. Parliament has access to the information needed for effective oversight.

The legal framework establishes an ombudsman or similar public body which addresses public concerns or complaints about security issues, and which reports to parliament.

Parliament has in-house expertise on security-sector issues, and training on such issues is available for MPs and staff.

Assessment

This dimension is assessed against several criteria, each of which should be evaluated separately. For each criterion, select one of the six descriptive grades (Non-existent, Rudimentary, Basic, Good, Very good and Excellent) that best reflects the situation in your parliament, and provide details of the evidence on which this assessment is based.

The evidence for assessment of this dimension could include the following:

- Provisions of the constitution and/or other aspects of the legal framework establishing parliament's role in security-sector governance
- The terms of reference of one or more parliamentary committees indicating their responsibility for security-related issues
- Publications such as committee reports on parliamentary inquiries into security issues detailing evidence taken from ministers, government officials, members of the public, civil society and others
- Annual parliamentary reports or reviews on the functioning of all security services
- Press releases or pages on the parliamentary website providing public information on parliament's role in security-sector policy

Where relevant, provide additional comments or examples that support the assessment.

Assessment criterion 1: Legal framework

The legal framework invests parliament with powers to scrutinize, amend, adopt or reject legislation related to the security sector, to ensure that it is compliant with human rights standards and international obligations, and to hold the executive to account. It also sets out the arrangements for parliamentary access to specific categories of classified information.

Non-existent	Rudimentary	Basic □	Good □	Very good □	Excellent
Evidence for this	s assessment crit	erion:			

Assessment criterion 2: Parliamentary oversight

Parliament has well-established practices for security sector oversight, including oversight of policies, budgets and appointments. MPs have the opportunity to debate security-sector policy and practice in the plenary and in committees. A specialized committee has wide-ranging powers to investigate security-sector issues, gather evidence and carry out inquiries.

Non-existent	Dudimentany	Basic	Good	Voru good	Excellent
	Rudimentary		Good	Very good □	Excellent
Evidence for this	s assessment crite	erion:			
Assessment crit	erion 3: Address	sing public cond	erns		
	ork establishes ar plaints about secu				es public
Non-existent	Rudimentary	Basic □	Good □	Very good □	Excellent
Evidence for this	s assessment crite	erion:			
Parliament has in for MPs and staff	,	on security-secto			
Non-existent □	Rudimentary	Basic □	Good □	Very good □	Excellent
Evidence for this	s assessment crite	erion:			
Assessment crit	erion 5: Practice	:			
implemented con information reque	rovisions of the legsistently. The exected by them in a ctor, and undertal	cutive cooperate timely manner.	s with parliamenta Parliamentary con	ary committees au nmittees conduct	nd provides the
Non-existent	Rudimentary	Basic	Good □	Very good □	Excellent
Evidence for this	s assessment crite	erion:			

Recommendations for change

Use this space to note down recommendations and ideas for strengthening rules and practice in this area.

- Geneva Centre for the Democratic Control of Armed Forces (DCAF), <u>The Security Sector</u> (2015).
- DCAF and ECOWAS Parliament, <u>Parliamentary Oversight of the Security Sector: ECOWAS</u> Parliament-DCAF Guide for West African Parliaments (2010).
- DCAF and Inter-Parliamentary Union (IPU), <u>Parliamentary Oversight of the Security Sector:</u> Principles, Mechanisms and Practices (2003).
- DCAF and NATO Parliamentary Assembly (NATO PA), <u>Oversight and Guidance: Parliaments</u> and Security Sector Governance (2015).
- Wolfgang Wagner, <u>Parliaments and Foreign Policy</u> (2017).
- United Nations Development Programme (UNDP), <u>Parliaments as partners supporting the Women, Peace and Security agenda</u> (2019).

Dimension 1.11.2: Defence

This dimension is part of:

Indicator 1.11: Key parliamentary powers

• Target 1: Effective parliament

About this dimension

This dimension concerns the role of parliament in the area of defence policy, which covers declarations of war, states of emergency, the deployment of armed forces, sales and exports of arms, and the protection of civilians during conflict.

Civilian control of defence policy is essential in a well-functioning democratic society. Parliament is mandated to represent the interests of all groups in society and to uphold human rights, acting as a safeguard against the unjustified and disproportionate use of force and ensuring that decisions on defence policy are aligned with public needs.

The constitution and/or other aspects of the legal framework should establish the extent of parliamentary involvement in the declaration of war and the deployment of troops, and during states of emergency. Parliament's powers in this area vary considerably, from the authority to debate and question decisions to deploy armed forces, to merely being kept informed by the executive. In practice, and regardless of the system in question, it is important the parliament remain engaged and informed, with relations of trust between branches of government.

Parliament should ensure that defence policy remains subject to international law and under democratic control. This includes ensuring that, where arms are sold, their use is not in violation of international humanitarian law.

Transparent deliberation in parliament opens up defence decisions to public scrutiny, helping the public to understand the rationale for, and risks of, military engagement and emergency powers, as well as how they comply with societal norms and human rights.

Parliament may have a committee tasked with defence issues or a committee that is responsible for both security and defence. Some bicameral parliaments have a joint committee composed of MPs from both houses. Parliament should also have a mandate to oversee gender mainstreaming in defence policy, including the composition of the armed forces and other defence bodies, the gendered impact of military and peacekeeping operations, and the protection, during conflict, of women, girls, and lesbian, gay, bisexual, transgender, queer/questioning and intersex (LGBTQI+) persons.

Aspiring goal

Based on a global comparative analysis, an aspiring goal for parliaments in the area of "defence" is as follows:

The constitution establishes parliament's powers with regard to the use of military force, including the declaration of war and the deployment of troops. Parliament has the authority to investigate and debate the use of military force, including powers to summon representatives of the executive to testify before parliament. Parliament can effectively block the use of military force if there is a majority in favour.

Parliament has the legal authority to scrutinize, amend and approve the defence budget, including the authorization of funding for each deployment of troops, and for arms sales and weapons procurement.

Parliamentary committees have broad mandates to oversee defence issues, including the oversight of arms sales to ensure compliance with international humanitarian law and the oversight of gender mainstreaming in defence policy.

Parliament has in-house expertise on defence policy and has access to information and regular updates from the executive on such issues.

Assessment

This dimension is assessed against several criteria, each of which should be evaluated separately. For each criterion, select one of the six descriptive grades (Non-existent, Rudimentary, Basic, Good, Very good and Excellent) that best reflects the situation in your parliament, and provide details of the evidence on which this assessment is based.

The evidence for assessment of this dimension could include the following:

- Provisions of the constitution and/or other aspects of the legal framework providing parliament with the power to authorize war and the deployment of troops, and to amend the defence budget
- Provisions of the constitution and/or other aspects of the legal framework mandating parliament to play a role in the declaration, promulgation, prolongation and lifting of a state of emergency
- Hansard/parliamentary records on debates related to the declaration of war, the deployment of troops or states of emergency
- Items on the parliamentary website or media articles related to parliament's role in defence policy
- The terms of reference of parliamentary committees indicating their role in overseeing different aspects of defence policy
- Memorandums of understanding between defence-sector complaint bodies and parliament

Where relevant, provide additional comments or examples that support the assessment.

Assessment criterion 1: Use of military force

The constitution establishes parliament's powers with regard to the use of military force, including the declaration of war and the deployment of troops. Parliament has the authority to investigate and debate the use of military force, including powers to summon representatives of the executive to testify before parliament. Parliament can effectively block the use of military force if there is a majority in favour.

Non-existent	Rudimentary	Basic	Good	Very good	Excellent	
Evidence for this	Evidence for this assessment criterion:					

Assessment criterion 2: Defence budget

Parliament has the legal authority to scrutinize, amend and approve the defence budget, including the authorization of funding for each deployment of troops, and for arms sales and weapons procurement.

Non-existent	Rudimentary	Basic	Good	Very good	Excellent

Evidence for this	s assessment crite	erion:			
Parliamentary co	terion 3: Parliamo mmittees have bro sure compliance w defence policy.	oad mandates to	oversee defence		
Non-existent □	Rudimentary	Basic	Good □	Very good □	Excellent
Evidence for this	s assessment crite	erion:			
Parliament has in	erion 4: Resourd h-house expertise executive on such Rudimentary	on defence polic	y and has access Good □	to information an Very good □	d regular Excellent □
	s assessment crite	_			
Recommendat	ions for change	e			
Use this space area.	to note down reco	mmendations an	d ideas for streng	thening rules and	I practice in this
Courses and fo	uthor roading				

- Geneva Centre for the Democratic Control of Armed Forces (DCAF) and Inter-Parliamentary Union (IPU), <u>Parliamentary Oversight of the Security Sector: Principles, Mechanisms and Practices</u> (Geneva, 2003).
- Geneva Centre for the Democratic Control of Armed Forces (DCAF), <u>Parliament's role in defence procurement</u> (Geneva, 2006).
- European Commission for Democracy through Law (Venice Commission), *Emergency Powers* (1995).
- European Commission for Democracy through Law (Venice Commission), <u>Respect for Democracy</u>, <u>Human Rights and the Rule of Law during States of Emergency Reflections</u> (2020).
- Geneva Centre for the Democratic Control of Armed Forces (DCAF), <u>Parliamentary War Powers:</u>
 A Survey of 25 European Parliaments (2010)

- Emile Ouédraogo, Advancing Military Professionalism in Africa (2014).
- Tom Ruys, "Parliamentary war powers and the role of international law in foreign troop deployment decisions: The US-led coalition against "Islamic State" in Iraq and Syria", International Journal of Constitutional Law (2019).
- Seppe Tiitinen, Role of Parliament in the conduct of foreign relations, (1996).
- United Nations Development Programme (UNDP), <u>Parliaments as partners supporting the Women, Peace and Security agenda</u> (2019).
- Wolfgang Wagner, <u>Parliaments and Foreign Policy</u> (2017).

Dimension 1.11.3: Foreign affairs and international agreements

This dimension is part of:

Indicator 1.11: Key parliamentary powers

• Target 1: Effective parliament

About this dimension

This dimension concerns parliament's mandate to determine and oversee foreign-policy priorities and to ratify international agreements.

Parliamentary powers with regard to foreign policy vary considerably. Almost all parliaments have a foreign affairs committee with a broad oversight mandate. In some countries, the executive is required to consult with this committee before important decisions are taken on foreign-policy issues.

International agreements on issues such as environmental policy, trade and security have a direct impact on the public and affect the rights and obligations of all. It is therefore important that such agreements are subject to transparent decision-making processes at the national level.

Agreements that include significant national obligations usually require parliamentary approval or ratification. Powers in this area differ, with parliaments variously able to accelerate the ratification process, amend the text, express reservations, or refuse to ratify the agreement and return the matter for new negotiations. Parliament can also put pressure on the executive to ratify outstanding agreements, and can use oversight mechanisms to receive answers and updates on progress.

Parliamentary committees should have an active role in scrutinizing agreements with international financial institutions, including ensuring that development assistance has a lasting impact and is conflict- and gender-sensitive. Parliament should have the power to accept or reject international loan agreements or send them back for amendment.

Aspiring goal

Based on a global comparative analysis, an aspiring goal for parliaments in the area of "foreign affairs and international agreements" is as follows:

The legal framework clearly establishes parliament's role with regard to foreign policy. Parliament has a committee with a broad mandate to oversee government policy and action on foreign affairs.

Parliament is legally responsible for the ratification of international agreements that include significant national obligations. The executive is required to report to parliament on the implementation of international agreements. Where the State is required to report to an international body, the report is debated in parliament first. Parliament also plays an active role in scrutinizing agreements with international financial institutions.

Parliament has in-house expertise on foreign policy issues and has access to information and regular updates from the executive on such issues, including on the preparation of international agreements.

Assessment

This dimension is assessed against several criteria, each of which should be evaluated separately. For each criterion, select one of the six descriptive grades (Non-existent, Rudimentary, Basic, Good, Very good and Excellent) that best reflects the situation in your parliament, and provide details of the evidence on which this assessment is based.

The evidence for assessment of this dimension could include the following:

- Provisions of the constitution establishing parliament's role in determining and overseeing foreign-policy priorities, and in ratifying international agreements
- Provisions of international treaties, conventions or agreements mandating regular reporting by the executive to parliament
- The terms of reference of parliamentary committees indicating their role in overseeing foreignaffairs policy
- Committee reports on foreign-affairs issues
- Research briefings and informational material on foreign affairs produced by parliamentary research services or other bodies of the parliamentary secretariat

Where relevant, provide additional comments or examples that support the assessment.

Assessment crit	Assessment criterion 1: Mandate						
The legal framework clearly establishes parliament's role with regard to foreign policy. Parliament has a committee with a broad mandate to oversee government policy and action on foreign affairs.							
Non-existent	Rudimentary	Basic	Good	Very good	Excellent		
Evidence for this	Evidence for this assessment criterion:						
Parliament is leganational obligation	terion 2: Internate ally responsible fonce. The executive terments. Where the	r the ratification of is required to rep	of international ag	on the implemen	tation of		
debated in parliar international finar	ment first. Parliam ncial institutions.			utinizing agreeme	ents with		
Non-existent	Rudimentary	Basic	Good	Very good	Excellent		
Evidence for this	s assessment crite	erion:					
Assessment crit	erion 3: Resourc	ces					
Parliament has in-house expertise on foreign policy issues and has access to information and regular updates from the executive on such issues, including on the preparation of international agreements.							
Non-existent	Rudimentary	Basic	Good	Very good	Excellent		
Evidence for this assessment criterion:							

Recommendations for change

Use this space to note down recommendations and ideas for strengthening rules and practice in this area.

- Alexander Carius and others, <u>A Foreign Policy Perspective on the Sustainable Development</u> Goals (2018).
- Inter-Parliamentary Union (IPU), "Parliamentary Involvement in International Affairs", in <u>Second World Conference of Speakers of Parliaments</u> (2005).
- IPU and United Nations Development Programme (UNDP), <u>Guidelines for enhancing the</u> engagement and contribution of parliaments to effective development cooperation (2020).
- IPU and World Bank, <u>Parliamentary Oversight of International Agreements and Related Processes</u> (2013).
- Seppe Tiitinen, Role of Parliament in the conduct of foreign relations (1996).
- Wolfgang Wagner, <u>Parliaments and Foreign Policy</u> (2017).

Dimension 1.11.4: Parliamentary diplomacy

This dimension is part of:

Indicator 1.11: Key parliamentary powers

• Target 1: Effective parliament

About this dimension

This dimension examines the role of parliamentary diplomacy as an important part of international cooperation. By supporting political dialogue and mediation, parliamentary diplomacy plays a role in conflict prevention and crisis management, and contributes to finding solutions to political challenges at the international, regional and national levels. It helps to strengthen dialogue between countries and increase mutual understanding.

Parliamentary diplomacy can be conducted through bilateral relations between parliaments or through multilateral, international and regional organizations and channels. Engagement between MPs from different countries opens new channels for dialogue and offers a degree of flexibility when addressing complex issues. MPs are often included in official delegations during State visits and international events, which can offer opportunities for parliamentary diplomacy.

Parliaments regularly organize incoming and outgoing visits with other parliaments. There are also more formal arrangements, such as parliamentary friendship groups, that involve regular exchanges of views between MPs from different countries.

Information gained through parliamentary diplomacy also strengthens the work of MPs at the national level and provides them with the means to play an active role in scrutinizing foreign policy and the implementation of international agreements.

Aspiring goal

Based on a global comparative analysis, an aspiring goal for parliaments in the area of "parliamentary diplomacy" is as follows:

Parliamentary diplomacy is a regular part of the activity of parliament.

Delegations for bilateral visits and to multilateral parliamentary bodies are inclusive and reflect the composition of parliament and the diversity of society. Political, gender and age quotas for delegations are mandated in parliament's rules of procedure. If international bodies require such quotas for parliamentary delegations, parliament respects them.

Parliament receives support and information from the executive prior to international engagements.

Reports are produced following international engagements and are made available to all MPs and the public.

A specialized body exists to coordinate the preparation of, and the communication and reporting on, parliamentary diplomacy activities. This body produces regular summaries of the work of international organizations and the results of meetings and events.

Parliament has an international relations department or other, similar body tasked with supporting MPs in conducting international engagements.

Assessment

This dimension is assessed against several criteria, each of which should be evaluated separately. For each criterion, select one of the six descriptive grades (Non-existent, Rudimentary, Basic, Good, Very good and Excellent) that best reflects the situation in your parliament, and provide details of the evidence on which this assessment is based.

The evidence for assessment of this dimension could include the following:

- Agendas of official bilateral engagements demonstrating parliamentary involvement
- Name lists for parliamentary delegations demonstrating a political, age and gender balance
- Reports from parliamentary committees, delegations and/or political groups on international engagements, indicating the outcomes achieved
- Items in parliament's budget for parliamentary diplomacy activities

Where relevant, provide additional comments or examples that support the assessment.

Basic

Assessment criterion 1: Transparency

Non-existent Rudimentary

Clear and transparent procedures are in place for deciding on parliamentary diplomacy activities, including forming friendship groups, and organizing bilateral visits and international engagements.

Evidence for this assessment criterion:					
Assessment criterion 2: Inclusiveness					
There are opportunities for all MPs, including women and young MPs, to participate in parliamentary diplomacy activities. Parliamentary delegations are inclusive of different political groups.					

Good

Very good

Excellent

Non-existent	Rudimentary	Basic	Good	Very good □	Excellent	
Evidence for this assessment criterion:						

Assessment criterion 3: Reporting

MPs are required to report back to parliament on their international engagements and other parliamentary diplomacy activities. Parliament monitors and regularly reports on follow-up action taken as a result of parliamentary diplomacy, including how resolutions of multilateral bodies have been addressed.

Non-existent	Rudimentary	Basic	Good	Very good □	Excellent	
Evidence for this assessment criterion:						

Indicators for De	ndicators for Democratic Parliaments www.parliamentaryindicators.org				
Assessment crit	terion 4: Commu	nication with the	e executive		
There are well-es diplomacy activities	stablished channel es.	s of communicat	ion with the exec	utive about parlia	mentary
Non-existent	Rudimentary	Basic	Good	Very good	Excellent
Evidence for this	s assessment crite	erion:			
MPs have access	terion 5: Resources to appropriate recluding financial re	sources to suppo			
Non-existent	Rudimentary	Basic	Good	Very good	Excellent
Evidence for this assessment criterion:					
Recommendat	ions for change	.			
Use this space tarea.	to note down reco	mmendations an	d ideas for streng	thening rules and	I practice in this

- Daniel Fiott, "On the Value of Parliamentary Diplomacy", Madriaga Papers (2011).
- Geert Hamilton, Parliamentary diplomacy: diplomacy with a democratic mandate (2012).
- Davor Jančić and Stelios Stavridis, "Introduction: The Rise of Parliamentary Diplomacy in International Politics", The Hague Journal of Democracy (2016).