

## **Oversight Effectiveness and Political Will: Some Lessons from West Africa**

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*The purpose of the present note is to advance two theoretical claims. The first claim proposed is that the impact of the availability of oversight tools and of the most broadly understood legislative capacity (availability of material, technical, financial resources; availability of well trained staff), on the effectiveness with which legislative oversight is performed, is conditional. The second claim put forward, after reviewing a rich body of work on executive-legislative relations and legislative oversight in West Africa, is that, of the various conditions that promote or prevent the effective use of oversight tools and capacity, political will is the single most important. These claims have both theoretical and practical relevance for if political will is as important as we claim for the effective performance of the oversight function, then international organisations may have to reconsider their approach to legislative strengthening.*

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Keywords: *legislative oversight; West Africa; international organisations; executive-legislative relations; political will.*

### **Introduction**

The literature has established that the effectiveness with which legislatures perform their oversight function pays dividends: there is more transparency, less corruption, and the political system works better (Morlino, 2005).

While the consequences of effective oversight are clear and generally agreed upon, there is much less agreement as to what are its causes and what is the relationship between legislative oversight effectiveness and the availability of oversight tools - a relationship that is detected in some regions but not in others (Pelizzo & Stapenhurst, 2012).

The purpose of the present note is to advance two theoretical claims that are, in our view, extensively corroborated by the evidence generated in the West African region. The first theoretical claim that emerges with some clarity from the region is that the impact of the availability of oversight tools and the impact of the most broadly understood legislative capacity (availability of material, technical, financial resources;

availability of well trained staff) on the effectiveness with which legislative oversight is performed, is conditional. The second theoretical claim that emerges with some clarity from the literature on legislative oversight in West Africa is that political will is regarded as one of the most important, if not the single most important, condition for ensuring that the legislative oversight function is performed effectively. As a Tanzanian MP observed in a study group on Public Accounts Committees, ‘if all members don’t have the political will to actually excel at issues of accountability in a non-partisan way, then you have a problem’ (Stapenhurst, Pelizzo, & Jacobs, 2013).

We can reformulate this point in a more cogent form. A legislature, a group of legislators, or individual legislators, make an effective use of the oversight tools at their disposal, only when they have the political will to do so. And since the willingness to perform such a function may be tied to the expectation of deriving a material (electoral return) or a symbolic benefit, we could formulate the generalisation that when legislators believe they might derive a benefit from effectively performing an oversight activity, they have the political will to perform it effectively and become effective overseers.<sup>1</sup>

The organisation of the present note is fairly straightforward. We review the literature investigating the relationship between legislative oversight capacity and legislative oversight effectiveness. In doing so we point out that while several scholars and practitioners regarded oversight effectiveness as an inevitable consequence of oversight capacity, other studies have suggested instead that the relationship between oversight capacity and effectiveness is mediated by several conditions. The literature on executive-legislative relationships and legislative oversight in West Africa has repeatedly emphasised that political will is the single most important condition for ensuring that legislatures perform their oversight function effectively. In the light of this evidence we go on to suggest that the evidence from West Africa makes it clear that if international organisations want to promote systems of accountability and effective oversight, they need to change their approach. Specifically, they should be less concerned with the number of oversight tools at the disposal of legislatures and more concerned with ensuring that legislatures have or develop the political will to perform their oversight function in a meaningful way.

### **Oversight Tools and Effectiveness**

There are two basic approaches in how oversight effectiveness relates to availability of legislative oversight capacity. The first, which has informed some of the early studies (Wang, 2005; Wehner, 2006), holds that there is a direct causal relationship between them in the sense that effectiveness is a direct consequence of a legislature’s oversight capacity. Thus, a simple increase in legislative oversight tools automatically translates into greater legislative oversight effectiveness. Given its mechanistic determinism, this approach is unable to appreciate the impact that agency and other voluntaristic elements may have on the effectiveness with which oversight activities may be performed.<sup>2</sup>

In order to bring agency back in and to develop a more nuanced understanding of the conditions under which legislative oversight is effective, a new approach has emerged. This second approach holds that the relationship between the legislative oversight capacity, that some authors measure on the basis of the number of oversight tools available to a legislature (Pelizzo & Stapenhurst, 2012), and oversight effectiveness is mediated by three intervening factors: the (oversight) mandate of the legislature, the resources available to a legislature, and political will.

With regard to the importance of the legislature's oversight mandate, Degeling, Anderson and Guthrie (1996) argued that the effective use of legislative oversight tools depends on the mandate of the legislature, that is, on what, and how much, a legislature is entitled to do.

With regard to the importance of resources, several studies have suggested that the availability of staff and information (Frantzich, 1979; Miller, Pelizzo, & Stapenhurst, 2004; Stapenhurst, 2011) are essential for the effective performance of the oversight activity. Conversely, the absence of adequate resources is regarded as one of the main obstacles for the effective performance of oversight activities. As Ebo and N'Diaye (2008, p. 16) pointed out in their analysis of oversight activities and effectiveness in West Africa, the 'absence of adequate financial, human and technical capabilities to conduct independent research and investigation' are among the most serious challenges to effective oversight.

Parliaments need a proper mandate and proper resources in order to perform their oversight function effectively. But regardless of how important conditions are, they are not as important as the political will to make an effective use of the oversight capacity and resources with which a legislature is endowed.<sup>3</sup> The All Party Parliamentary Group (APPG) (2008) report was adamant in this respect. It observed in fact that 'training parliamentary clerks or improving IT equipment, for example, will not make the executive more accountable to parliament unless MPs and their parties have the political will to ask parliamentary questions, table amendments to legislation and challenge ministers to justify how they spend public money and how they run their ministries' (APPG, 2008, p. 7).

This view is echoed in, and supported by, several case and comparative studies on executive-legislative relations in West Africa. Legislatures' inability to oversee the defence sector effectively (Ebo & N'Diaye, 2008), to keep governments accountable (APPG, 2008), to examine the legislative proposals of the executive (Balde, 2009), to amend government legislative proposals (Coulibaly, 2006) and to scrutinise public accounts and oversee budget implementation (Coulibaly, 2006) are attributed to the absence of political will.

The acquiescence of African legislatures has led many scholars, practitioners, institutional reformers and political activists to criticise legislatures for the way in which they perform, or more correctly, fail to

perform, their oversight function. Balde (2009, p. 56), for example, criticised national assemblies in Sub-Saharan Africa ‘...for having turned into chambers of applause (*chamber d’applaudissement*) and ratification of the legislative projects of the government’ while Coulibaly (2006, p. 38) criticised the Senegalese legislature for ‘renouncing to perform the role and the function assigned to it by the law and the needs of a pluralist democracy’ and Diarra (2010, p. 80) wrote, quoting Médard, that ‘the National Assembly [of Mali] is not a place and not even an instrument of power, it is rather an element of décor and decorum’.<sup>4</sup>

Legislatures in the region have often lacked the political will to perform their oversight function effectively. But the problem is not new. Bourgi (2002, p. 59) pointed out that legislatures have historically been unwilling and unable to act as effective counter-weights to the executive. This reluctance is quite understandable. According to Ebo and N’Diaye (2008), the history of military interference in domestic political affairs, and Ondo (2008), executive dominance, have either prevented or discouraged legislatures from performing their oversight tasks adequately.

To be sure there has been some change in recent years. While there has been significant variation in how executive-legislative relations have evolved, the lesson from West Africa is that while some legislatures may still be controlled by the president’s party and have not yet found the political will to oversee the executive branch effectively, elsewhere the development of multi-party competition has created the conditions for more legislative oversight (Ondo, 2008) and greater judicial activism (Bourgi, 2002).

The judicialisation of politics and greater judicial activism, the emergence of more pluralist parliamentary party systems, parliamentary reforms and the development of bicameral arrangements have generally contributed to creating the conditions for effective oversight. However, the relationship between each of these conditions and legislative oversight effectiveness is complex, non-linear and certainly not deterministic – and there are exceptions to this general rule.

The relationship between oversight effectiveness and bicameralism is a case in point. Indeed, while in some settings the presence of an upper chamber provides an institutional counter-weight to an executive that controls the lower chamber, in others the objective of establishing an upper chamber is to undermine the legislature’s ability to oversee the executive branch of the government. According to Ondo (2008, p. 97) while ‘the Gabonese bicameralism has the objective to moderate the presidential power (...) in reality that’s not really the case for “the creation of the Senate is meant above all to reduce the influence of the national Assembly” and to prevent a very active lower chamber to perform its oversight function effectively’.

### **Three Considerations**

This review suggests three considerations. First, the effective use of oversight tools is conditional; it depends on the oversight mandate of legislatures, on the resources at their disposal, and on the political will to use oversight tools and resources to perform their mandated function. Second, oversight is performed effectively in some cases but not in others and the literature reviewed in this paper makes it clear that the conditions that favour the effective use of oversight tools in some cases are precisely what prevent oversight from being adequately performed in other cases. Third, our review sustains the claim that whenever members of parliaments refrain from performing their oversight role adequately, it is because they do not have the will to do so. Parliamentarians believe that the costs associated in being effective overseers greatly outweigh the benefits. In other words, the presence/absence of a political will reflects the structure of incentives confronting parliament and parliamentarians (Owens, 2010). The obvious implication of this third point is that if the structure of incentives changes, a parliament may find plenty of incentives to engage actively in oversight of the executive.

The literature on political will (Kpundeh & Didinio, 2006), in addition to discussing what it is, why it matters, what obstacles it encounters, and why it should be strengthened, proposed several strategies or approaches for promoting political will. These four approaches consisted in explaining to MPs why oversight is important, explaining to voters why it is important, securing international support for overseers, and introducing proper institutional reforms.

Building on this line of work Pelizzo and Stapenhurst (2012) suggested that the promotion of a popular demand for oversight was the most important of the four strategies identified by Kpundeh and Didinio (2006). In fact, Pelizzo and Stapenhurst (2012) argued that institutional reforms (the adoption of oversight tools and their effective use) and parliamentarians' understanding of the importance of oversight, are both demand-driven.

If there is a popular demand for oversight, if there are a certain number of citizens who care about oversight, there is a niche in the electoral market that will reward overseers.<sup>5</sup> And if there is an electoral reward for MPs who perform oversight, then it is in the self-interest of MPs to perform it adequately.

This means that it is sufficient to generate or stimulate voter demands for accountability and oversight effectiveness, to change the structure of incentives, to make parliamentarians understand the importance of oversight, to create the conditions for institutional reform, and ultimately to ensure that oversight activities are effectively performed by a legislature.

## **Conclusion**

If the literature reviewed here is correct in positing that effective oversight is a function of political will and if we are correct in suggesting that the will to oversee is a function of the return that parliamentarians expect

to derive from the oversight function, then international organisations should reconsider their approach to strengthening legislative oversight. Earlier emphasis on oversight capacity, which drove many programmes of multilateral organisations and bilateral donors alike, should be replaced by a focus on oversight effectiveness – with major implications for parliamentary strengthening initiatives worldwide.

The issue that practitioners and international organisations need to tackle is not how many oversight tools a legislature has or how many more oversight tools a legislature should be given, but is instead how to make sure that legislatures use the tools that are placed at their disposal and use them effectively.

The literature reviewed in this note suggests that the effectiveness of oversight is not a function of oversight capacity but of political will—a will, we have argued, that is closely linked with legislatures’ reasonable expectation of deriving benefit from engaging in the oversight activity. Legislators become effective overseers as soon as voters demand effective oversight because they know that they will be electorally rewarded for satisfying their demands. For this reason we believe that legislative strengthening programmes would be more successful in securing oversight effectiveness if they paid greater attention to creating a demand for oversight than to expanding the oversight capacity of legislatures.

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## Notes

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<sup>1</sup> We can put this proposition in a more formal way, by positing that ‘Parliament’ = ‘P’; ‘expects to derive a benefit’ = ‘E’; ‘oversees effectively’ = ‘O’ and we can formulate the following law-like statement:  $L = (x) [(P(x) \cdot E(x)) \Rightarrow O(x)]$

<sup>2</sup> Such an approach also neglects the impact of other contextual factors on the effective performance of the legislative oversight function. The importance of contextual factors for the effective performance of legislative oversight was discussed in Olson and Mezey 1991, Olson and Norton (1996) and Norton and Ahmed (1999). Building on this line of work Stapenhurst (2011) suggested that in order to assess the oversight capacity of a legislature properly one should not only look at the oversight tools at its disposal, at the context within which it operates, but also at the factors that support the performance of legislative oversight activity. While one may find that the relationship between legislative capacity, measured on the basis of the Stapenhurst index of legislative oversight (SILO), and oversight effectiveness is stronger than the relationship detected between previous measures of oversight capacity and effectiveness, the relationship between these two variables is far from perfect because if effective oversight can be greatly affected by capacity it is also affected by political will - as the literature on West Africa has often reiterated.

<sup>3</sup> It is clear that while the use of oversight tools and mechanisms is a precondition for effective use of the oversight tools and effectiveness, the use of oversight tools or capacity is a necessary but, by itself, insufficient condition for oversight effectiveness because the use of oversight tools, what we call oversight activity, could be effective or ineffective. And it is only when the oversight capacity is put to effective use that oversight is effective. If we assume that ‘oversight capacity’ = ‘A’; ‘used effectively by the legislature’ = ‘B’; ‘the oversight process is effective’ = ‘C’, then, given that  $L = (x) [(A(x) \cdot B(x)) \Rightarrow C(x)]$ ;  $C = (\exists x) (A(x) \cdot B(x))$ ;  $E = (\exists x) C(x)$ ; the explanation of the oversight effectiveness would take the following form:  $\{(x) [(A(x) \cdot B(x)) \Rightarrow C(x)] \cdot (\exists x) (A(x) \cdot B(x))\} \Rightarrow (\exists x) C(x)$

<sup>4</sup> Jean-Francoise Medard is a comparative politics specialist, a professor of Political Science at the Institute of Political Studies in Bordeaux, and one of the founders of the *Revue Internationale de politique comparée*. One of his most



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important theoretical contributions has been the development of the concept of neo-patrimonialism which results from the combination of patrimonial domination and bureaucratisation.

<sup>5</sup> We can formulate a slightly different version of the same line of thinking, by saying that if there is a demand for oversight or if MPs believe such a demand to exist, they will consider legislative oversight as an electorally rewarding activity and they will act on the basis of such belief. On the relationship between actions and belief, Charles Sanders Peirce (1877) famously noted that ‘Our beliefs guide our desires and shape our actions (...)’ (p. 5) ‘Belief does not make us act at once, but puts us into such a condition that we shall behave in some certain way, when the occasion arises.’ (p. 6).