

# **LEGISLATING FOR DEVELOPMENT – ENGAGING THE LEGISLATURE IN ACHIEVING SUSTAINABLE DEVELOPMENT**

*BY*

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## **Preamble**

Since the end of the Millennium Development Goals (MDGs) in 2015, there has been debates as to the level of their achievement, especially in developing countries, for whom the goals were more relevant and huge resources committed to. While some scholars have commended the overall achievements recorded by the MDGs, others have scored it below average. The poor performance of some countries, though usually attributed to some fundamental defects in their governance institutions, can be said to be largely because of the absence of enabling legislative environment for rapid and sustainable economic growth and political development.

Parliaments are the pivot around which most development initiatives revolve. They play critical roles in meeting development goals through their lawmaking, budgeting and oversight functions. Parliaments helped to shape both the defunct MDGs and the current Sustainable Development Goals (SDGs). They are also expected to play certain key roles in their implementation both at the national and international levels by adopting strategies to aid and accelerate their achievement. This study examines the extent to which legislatures play its crucial role in achieving sustainable development.

## **What is Development**

Development is a polyvalent and deeply contested term. This contestation is driven by its epistemological foundation and the political, socio-economic and cultural influences that have shaped the discourse. The contested nature is further driven by the different insights that academic disciplines like economics, gender studies, anthropology, sociology, geography and political science have contributed to the evolution of development thinking.

When the word “Development” is mentioned several buzzwords come to mind. They include change, participation, economic development, human development, economic growth, equality, equity, goals, social development, gender equity, sustainability, livelihoods, social inclusion, positive change, Millennium Development Goals (MDGs), poverty reduction, Sustainable Development Goals (SDGs), etc. Literarily, development could mean growth, blossoming, progress, extension, expansion. Development is also seen as “good change in human condition,” Chambers, (1997). Peet and Hartwick, (2009) see development as “making a better life for everyone.” Development allows for the full manifestation of human potentials while freeing people from economic, political and social oppression, (Rist, 2014; Sen, 2011). It is about expanding the choices people have to lead lives that they value.

Development is seen as progress, growth and modernity. It is sometimes measured in terms of the level of *material* well-being in a country. While economic growth or development may be the primary development goal of many countries, it is not necessarily the only yardsticks for measurement. Measuring the degree of development using economic indices does not give a holistic picture. Development as a fundamental concept of social and political thought also includes political, socio-economic and cultural indices and thus, is far more than just economic growth. It has everything to do with every aspect of livelihood. It involves government, the people, private sector, legislature, faith-based organisations, judiciary, Civil Society Organisations (CSOs), Multilateral and Bilateral organisations etc.

Development can therefore be defined as a process or the state of human existence that guarantees opportunity to exercise agency. It is about the creation and expansion of an environment where people develop their full potentials and lead productive lives. Throughout the world, parliaments are uniquely positioned to create this needed environment for the realisation of development goals through its powers of legislation, representation and oversight. They can hold governments and civil society accountable, and represent the interests and voices of the people.

## Parliaments and Development

In spite of all the criticism of contemporary governance today, government is still the most powerful institution of the society and parliaments are an important component of every democratic national and sub-national governance structure. The World Bank defines governance as “the manner in which power is exercised in the management of a country’s economic and social resources for development” Abdellatif, (2003). However, there it is pertinent to mention that that good governance, not just governance is critical for development. Good governance is the effective use of power by the government i.e. the President and his Ministers, Senators, Members of House of Representatives and how the public service operates to:

(a) promote democracy, accountability and transparency;

(b) formulate and implement good policies;

(c) effectively and efficiently manage human and financial resources in order to achieve sustainable national development, economic prosperity and alleviate poverty, (Yahaya, 1999).

In most contemporary democracies, parliaments are typically the only national institutions directly elected by citizens. The implication of this is that parliaments hold the heart of citizens’ hopes for representative, effective, transparent democracies. Parliaments are the avenues for the expression of diverse views and where decisions are expectedly reached collectively. As key stakeholders in the governance project of any country, parliaments have the responsibility of legislation, oversight and representation. This is why it can be referred to as the “*defecto*” and “*dejure*” queen of democratic governance. The representative function of parliaments requires that the legislators represent the interest of their people and of the entire nation in their various chambers.

As legislators, parliamentarians are also required to make laws for the good governance of their various countries. The oversight function of the legislature saddles it with the responsibility of ensuring that laws passed, especially money bills, are properly and adequately implemented to achieve the developmental goals of the government. In some jurisdictions, legislators also have a responsibility to reach out to their constituencies where they serve as a chamber

for the ventilation of grievances. By playing these roles effectively, parliaments can contribute to the elements of effective governance: state capability, accountability and responsiveness and consequently play a leading role in the achievement of the global development agenda.

In recognition of the above, the United Nations General Assembly resolution 70/1 states that “We acknowledge also the essential role of national parliaments through their enactment of legislation and adoption of budgets and their role in ensuring accountability for the effective implementation of our commitments”, (UNDP, 2016). Clearly, parliaments are the pivot around which most development initiatives revolve. They play important roles in the ability of countries to meet their development agendas.

### **Parliament Matters:**

Parliaments are central to any effort aimed at ending extreme poverty and boosting shared prosperity. Parliaments provide a forum where representatives of the community can deliberate to find workable solutions to problems and help shape important policies and legislation to ensure they respond to the needs of different constituencies. Furthermore, parliaments are tasked with scrutinizing the performance of the government and holding public officials accountable for complying with the law, implementing government policies efficiently and effectively, and achieving a nation’s development goals.

Research shows how national structures that distribute power and exercise rigorous checks and balances on the executive branch of government are essential for building robust economic institutions, promoting positive economic growth and fostering national stability. Research focusing specifically on parliaments’ contribution to development has shown a strong statistical correlation between legislative strength (as measured by the Fish/Kroenig Parliamentary Powers Index [PPI]) and economic development (measured by GDP/capita), Kroenig, Karan-Delhay (2011).

There is also growing evidence that parliaments constitute a necessary, if not key, condition for both socio-economic and democratic development. For example, the World Bank, Pelizzo and Stapenhurst (2004) examined the relationship between legislative oversight and a number of aspects of development. By examining a range of parliamentary oversight tools including

parliamentary audit committees, question period, public hearings and debates in plenary, the World Bank found that the greater number of oversight tools available to a parliament, the greater the level of economic development and degree of democratization. Extending this analysis, it was also found that greater parliamentary oversight was linked to lower levels of corruption, Pelizzo and Stapenhurst (2014). These findings underscore the strategic importance of strengthening parliamentary institutions as a key part of achieving overall development objectives.

Finally, oversight remains the hallmark of legislative activities. It is therefore crucial to get the objectives right. Parliamentary duties must be such that compliment the realization of development goals. Simply put, as national processes for the implementation of development goals are being put in place, it is important to ensure that parliaments play their rightful roles in giving political stimulus towards the domestication, implementation and monitoring of these goals.

The key objectives of this study are to:

1. Assess the contributions (if any) of the legislature to achieving development goals using the MDGs as a yardstick;
2. Conduct a comparative study/analysis of parliamentary influence on development goals;
3. Identify key areas of intervention in parliaments especially in developing countries;
4. Identify good practices in legislative impact as drivers of positive change in the society.

## **Research Methodology**

The research will begin with a critical review of existing literature on legislative activities and how they impact on development. During this phase, some developed and developing parliaments will be identified, studied and their legislative activities will be analysed vis-à-vis their impact on development in the countries. The study will identify deliberate measures as well as non-deliberate measures adopted by these parliaments to further drive the development objectives of their countries. The study will also focus on identifying gaps in

these parliaments and the likely interventions that will enhance their role as positive change agents in the governance structure of their countries.

A field study will be conducted in few selected countries to examine specific roles of Parliament as development agents. During the field study, key informants from Parliaments, civil society organizations, media and government officials will be interviewed. Open-ended questions will be developed and the interview will be conducted based on a semi-structured interview protocol developed for the study. In addition, relevant materials such as policy documents, legislations and other documents will be collected from these countries and analysed. At the end of the field study, a comparative analysis of the findings from the selected countries will be conducted and findings, recommendations and conclusions will be drawn based on the outcome of the comparative analysis.

## **Proposed Research Case Studies**

The following countries have been selected as case studies for this research:

1. Nigeria
2. India
3. United Kingdom
4. Rwanda

Nigeria is the largest black democracy in the world. The country is blessed with enormous wealth and a functioning legislature yet suffers a lot of development challenges. India is the world's largest democracy and is recently adjudged as one of the fastest developing countries of the world. The United Kingdom is a symbol of a developed economy with a long standing parliamentary democracy and a major source of finance for the SDGs. Furthermore, the Public Accounts Committee, one of the key oversight committees of parliament, has its origin from the UK. Finally, Rwanda is chosen as a role model for development in Africa. It is believed that these countries will elicit intriguing findings that other countries can learn from. This is the next stage of this research.

## **From the MDGs to SDGs**

The Millennium Development Goals (MDGs), a set of eight international targets—were established in 2000 at the UN Millennium Summit as a way of

bringing succour to most developing countries and was adjudged as the world's biggest promise to mankind. Many scholars believe that the MDGs recorded huge success by lifting more than one billion people out of extreme poverty, getting 137 million additional children enrolled in primary schools and averting about 59 million deaths from diseases like malaria and tuberculosis, all in the 15 years' lifespan of the MDGs, (Hulme, 2009; National Bureau of Statistics 2011; Ajiye, 2014; UNDP, 2014).

The MDGs were succeeded by the Sustainable Development Goals (SDGs) which comprises of 17 goals and 169 targets and has the potential to accelerate developmental progress across an even broader range of issues. However, in order to reach the new goals by the 2030 timeline, there is a need for cross-institutional collaboration and specifically the efforts of the legislature. For instance, in terms of finance, approximately \$17.5 trillion is required annually to achieve the SDGs with an estimated 50-80% coming from domestic resources, World Bank, (2017). There is therefore, a need for some policy reforms and specific legislations that will pilot development in countries. Furthermore, private sector contribution is critical to financing and implementing the SDGs thereby requiring a conducive business environment which parliament has a crucial role in providing.

### **One World: One Sustainable Development Agenda**

Over the past years, "Sustainable Development" (SD) has emerged as the latest development slogan. Nongovernmental as well as governmental organizations have embraced it as the new paradigm of development. Sustainable Development does not have a uniform and generally acceptable definition. However, it is an important concept that is widely used by politicians all over the world. Furthermore, the concept is still being developed and its definition constantly revised, extended, and refined.

According to the classical definition given by the United Nations World Commission on Environment and Development in 1987, development is sustainable if it "meets the needs of the present without compromising the ability of future generations to meet their own needs," (Kates et al, 2005). It can be viewed from diverse angles depending on the context it is used and who is using it. For instance, while the World Bank may view it as economic growth and

development, the Greenpeace organization will see Sustainable Development as preserving the ecosystem for the future generation.

Its 17 ground-breaking Sustainable Development Goals (SDGs) and 169 actionable targets are aimed at ending poverty and setting the world on a sustainable path to inclusive development. Though they are not legally binding, they have been endorsed by government leaders at the United Nations Summit in September 2015. Governments have therefore, assumed a moral commitment to implement them to the best of their capacities and in accordance with national priorities. No matter the lens with which we view the concept of Sustainable Development, it remains a fundamental element of global development agenda.

The objectives of the SDGs are to emphasize and organize national policies towards a generally acceptable goal for humanity. Building on the achievements recorded by the MDGs in reducing poverty, “they aspire to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls” (IPU, 2016). Importantly, the Sustainable Development Goals agenda stands on the three pillars of Sustainable Development: the social, economic and environmental.

The SDGs come with a complete policy framework, which is applicable to both developed and developing countries. The elaborate and ambitious goals range from achieving gender equality to changing consumption and production patterns and from eradicating absolute poverty to reversing climate change with a number of global indicators designed to help track progress towards the goals. One key characteristic of the SDGs is that it places people at the centre of the development process. By putting people at the centre of development, it puts a responsibility on governments, parliaments and other stakeholders “to design and deliver laws and programmes that meet the needs of the people, break down policy silos, uphold human rights, and leave no one behind” (IPU, 2016).

## **Parliamentary Development Challenges**

The SDGs, with its ambition of being transformational, surely presents significant challenges for governments in general and particularly for the legislature. These challenges could make or mar the achievement of the goals/targets set in the SDGs. While some parliaments may have achieved much



in piloting the SDGs, others, especially in Sub-Saharan Africa are grappling with some teething legislative challenges that could hamper their achievement. Some of these challenges include:

### **1. Weak Legislative Capacity**

Parliamentarians' limited capacity for both ex ante and post ante policy and budget analysis could weaken the legislature's scrutiny and oversight effectiveness. For instance, achieving the SDGs requires the contribution of the private sector which is only possible under a conducive investment environment often facilitated by parliamentary legislation. Also, oversight and other parliamentary duties require knowledge, skill and experience and this many parliamentarians, especially in developing countries, do not possess. They often complained about the difficulty of "learning on the job" because parliamentarians come from diverse walks of life and professions. Learning the parliamentary ropes can be sometime tasking and demanding. More so, parliaments themselves lack the institutional capacity and resources needed for the performance of their roles in achieving developmental goals. Often times, parliaments receive insufficient finance to be effective. Where the legislature seems to be weak in performing their duties, inefficiency in service delivery, lack of transparency, weak democracy and, to some extent, corruption, is usually the outcome. Consequently, achieving the SDGs is stalled.

### **2. Corruption**

Corruption, particularly, legislative corruption is a major setback for legislative efficiency in achieving development goals. The pork barrel syndrome often diminishes parliamentary effectiveness. As observed by Acosta and De Renzio (2008: 12), 'the presence of high corruption levels in a given country, for example in the form of patronage-driven or rent-seeking networks, suggest that the state is also poorly equipped to implement and enforce quality budget outcomes.' Furthermore, Pellizo and Stapenhurst (2014:3) show the link between corruption and effective legislative oversight, affirming that though legislators could be part of the problem through legislative corruption, 'when legislatures carry out their constitutionally mandated functions (overseeing the executive, scrutinizing public expenditure and holding government to account) effectively, they contribute in a significant way to reduced corruption.' Corruption remains one of the major threats to the achievement of the SDGs.

### **3. Delays in Budget/Finance Approvals**

The capacity of the legislature to fully comprehend and analyse the budget proposal is essential if it is to play a significant role in achieving the SDGs. Ideally, a budget proposal should be approved within two to three months after the executive's presentation and prior to the start of the fiscal year. This is to allow for thorough debate and scrutiny. While in some parliaments, the Finance or Budget Committee almost regularly, promptly approves the original budgets, in others, apart from the late submission of the budget proposal, overwhelming personal political interest and the quest to use the budget as a tool for private political gains (Pork Barrel Politics) usually slows down its consideration, thus the late approvals. Other reasons usually adduced for this include limited resources, weak financial analytical capacity of the parliamentary committees' members and a high turnover of MPs during election years, (Gyimah-Boadi, 1999). On the one hand, while prompt passage may seem to make the parliament a mere "rubber-stamp" of the executive, it is very expedient for the implementation of development projects.

### **4. Poor Public Financial Management**

The task of ensuring an effective Public Financial Management (PFM) system lies largely with the legislature. The dominant developmental paradigm assumes that an effective PFM is a function of proper legislative institutional design which promotes government accountability. These beliefs are based on a simple proposition: if parliaments and legislatures can oversee government activity, then governance will be improved, Staphenurst and Pelizzo, (2002). Consequently, in many developing and transition countries, a substantial number of legislatures are moving towards PFM activism. Perhaps the primary reason for this development is that democratization and constitutional change have opened up possibilities for legislative participation in many previously closed systems as well as the fact that there has been a recent shift within international financial institutions and donor agencies towards participation in setting development goals and strategies. The international donor community has also developed kin interest in the quality of the PFM process and the governance of the budget for a variety of reasons, in particular the realization of the failure of conditionality in development lending and evidence on the effectiveness of aid.

However, most PFM systems in these developing countries are weak and ineffective. The poor budget process, oversight mechanism, tax administration and other components of the PFM system are often a threat to the realization of set development objectives. Though in many developing countries, the budget preparation processes (upstream processes) have witnessed comparative improvements compared to budget execution and oversight (downstream processes), as noted by the World Bank, financing for the SDGs is about more money and smarter use of the money, (World Bank, 2017). The legislature has a key role to play in ensuring that existing PFM systems facilitates the realization of development goals.

### **5. Political Interference**

One of the factors identified as a key challenge to the achievement of development initiatives is the presence of overwhelming political interference and absence of political will in legislative decision-making. Loyalty to political party affiliations and tendency to use the legislative process for political purposes often weakens the parliamentarian's capacity to question fellow party members. As Olson (2004: 19) observes, 'opportunities for committee to engage in administrative review and oversight increases to the extent that single party control is relaxed.' This and the lack of political will to promptly sanction defaulters has been the bane of development in many developing countries especially in Sub-Saharan Africa, (Prempeh, 2008; Boateng, 1996). Thus, one of the major challenges to development is the belief that legislative influence by politicians in the legislature and executive alike could cause disharmony in the political party and also block their opportunity to corruptly enrich themselves. Similarly, lack of political will and supremacy conflict between the Senate and House of Representatives (in bicameral legislatures) has continued to stall development projects or slow the implementation of the SDGs.

### **Conclusion**

Parliaments are pivotal to most development initiatives. They play a critical role in meeting development goals through their lawmaking, budgeting and oversight functions. They helped to shape both the defunct Millennium Development Goals (MDGs) and the current Sustainable Development Goals (SDGs). They are therefore expected to play a critical role in the implementation of the SDGs at national and international levels by adopting deliberate strategies

that will aid and accelerate their achievement. The questions are:

- i. What is the level of awareness of Parliamentarians and their roles in achieving SDGs?
- ii. What is the strategy for engaging and harnessing the potential of this critical stakeholder towards achieving SDGs?

One of the deliverables of this study is the development of a working toolkit (knowledge product) for legislative impact on a country's development objectives. This knowledge product will be utilized as training resource for strengthening the capacity of legislators on development issues. The capacity building initiatives will focus primarily on how the parliaments can consciously engage/influence government in achieving the SDGs.

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