

The Accountability Function of Parliament in New Democracies: Tanzanian Perspectives

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Introduction

The general trend in African politics since the decline of one-party regimes in the first half of the 1990s has been the development towards greater executive dominance. Some of the problem with much of the literature stressing this is, however, that it is not always empirically founded.¹ There is a lack of studies measuring executive-legislative relations over a long period of time and few may serve as basis for comparative analysis across countries. This paper sets out to develop a framework for an analysis of the accountability relationship between the legislature and the executive.² Although the empirical illustrations throughout the paper are from Tanzania the framework could possibly be applied in other sub-Saharan African countries as well.³ The aim is to understand the basic workings of the horizontal accountability relationship between the parliament and the executive. In order to do this a natural starting point is the already existing literature originating from a western reality. Admittedly, institutions do not function in the same way independent of context and adaptations of these analytical frameworks are necessary to capture the characteristics of the African context and politics.

In 1992 Tanzania formally separated the ruling party *Chama Cha Mapinduzi* (CCM) from the government and adopted a multiparty system. Regime transition took place under the guidance of the CCM and has been achieved without the upheavals associated with democratic transitions elsewhere in Africa. Still, this management from above has given the leadership of the ruling party the opportunity to have strong influence on the process. The result has been little commitment on the part of the ruling party to ensure progress towards democratic consolidation other than holding regular multiparty elections (Tripp 2000:193; Hyden 1999:146-147). The system still vests tremendous powers in the executive, and lacks the checks and balances a strong parliament could provide (Ewald 2002:5; Tripp 2000:198), a problem which remains one of the greatest challenges to Tanzanian democratization. No strong opposition has emerged. In the 1995 parliamentary elections CCM won nearly 80% of the seats while it won close to 88 % of the seats in the 2000 elections (Ewald 2002:20). In the same way, CCM president Mkapa who is now in his second and thus last term in office has won the presidential elections with a large margin.⁴

The legislature is characterized by its hybrid nature with an accountability relationship to both the executive (horizontal accountability) and to the electorate (vertical accountability). Despite the link between horizontal and vertical accountability the

¹ Important exceptions exist. The excellent work of Peter Burnell is one example. See for instance, 'Legislative-Executive Relations in Zambia: Parliamentary Reform on the Agenda', *Journal of Contemporary African Studies*, Vol. 21, No. 1 (2003); 'Parliamentary Committees in Zambia's Third Republic: Partial Reforms, Unfinished Agenda', *Journal of Southern African Studies*, Vol. 28, No. 2 (2002); 'Financial Indiscipline in Zambia's Third Republic: the Role of Parliamentary Scrutiny', *Journal of Legislative Studies*, Vol. 7, No. 3 (2002).

² Representative assemblies are designated by various names. The most common are parliament, legislature and national assembly. Here, these concepts will be used interchangeably without drawing a sharp distinction between them. They will all be used as synonyms with the legislative branch of government.

³ The examples from Tanzania are mainly based on data collected during fieldwork in Tanzania (Dar es Salaam and Dodoma) in the period from 1 July to mid-September 2002. Altogether 35 personal interviews were carried out with MPs, government representatives, members of civil society, academics, and bureaucrats.

⁴ President Mkapa got 61.8% of the votes in the 1995 elections (EIU 1995:14), while he in the 2000 elections won 71.1% of the votes (Iversen 2000:23).

legislature's impact on its respective political system is in this paper primarily assessed by the degree of accountability between the executive and the legislature. However, the vertical accountability dimension is an inherent part of parliament, and as will be seen cannot be completely excluded. In line with Schedler's definition, accountability is taken to mean a broad two-dimensional concept that embraces both answerability—the requirement to inform, explain and justify—and enforceability, namely the capacity of accounting agencies (here parliament) to impose sanctions (Schedler 1999:14-16).

The paper is based on the parliamentary functions which considered most central with respect to holding the executive accountable - legitimation and the decisional/influence functions. The ability of the parliament to influence along these two dimensions is narrowed down to social legitimacy and the policy-making function of parliament which in turn is dependent on two sets of key variables. These are categorised into external and internal variables. An analytical framework is constructed by identifying indicators along all the variables and with two basic anticipations in mind: The legislature's basic accountability relationship to the executive is expected to be determined by social legitimacy, constitutional powers and external agents. Variables which can reinforce parliament's accountability function, but not determine it, are taken to be the committee system, party and party groups, and the various characteristics of the chamber.

In the first part of the paper different parliamentary functions are briefly considered before an analytical framework is outlined in part two and three. What is termed external variables are looked into in the second part while the third part of the paper examines the internal characteristics of parliament.

Parliamentary accountability functions

Parliament can by and large be seen to perform three different functions⁵: (i) legitimation, (ii) recruitment, socialisation and training and (iii) decisional/influence. The legitimation and decisional/influence functions are perceived to be of greatest importance for assessing the legislature's ability to hold the executive accountable; hence these are looked into in this paper. The most important component of the decisional/influence function is parliament's impact on the policy-making process.⁶ Related to the influence/decisional function is the conviction that the internal structuring and workings of parliament are significant for its ability to influence policy outcomes and thus also for its ability to hold the executive accountable. This is underscored by what can be taken to lie at the heart of 'new institutionalism' – the belief that policies are shaped by the institution through which they are processed (Döring 1995:15).

⁵ Authors distinguish between different parliamentary functions, see for instance Copeland and Patterson (1998) and Packenham (1970). Different categories of functions are thus distinguished but the functions outlined largely correspond to each other. Packenham's delineation of functions is so far the most comprehensive and therefore serves as the natural point of departure. See also Norton (1993:8) for a back up to this view.

⁶ Packenham (1970:90-91) includes law-making as a function covered by this category. Other functions are the conflict resolution function, the interest articulation function and the 'exit' function. The law-making function is clearly most relevant for holding the executive accountable. This leaves a decisional/influence category that for this purpose may be narrowed down to the policy-making process in a broad sense.

The legitimation function can be perceived as the public recognition and acceptance of the right of parliament and the executive to act in some manner, and the corresponding obligation of the citizens to abide by that action (Copeland and Patterson 1998:xxxvii). Social legitimacy, i.e. to what extent the legislature enjoys support from the population strongly affects the legitimation function of parliament. This is underpinned by the activity of parliament in-between elections, and implies that the legitimacy enjoyed by parliament also partly should be a result of how parliament and the MPs are perceived to fulfil their roles.

Legislative institutions may be compared on the basis of a distinction between factors located in what may be termed the external and internal milieu of a legislature. One can hypothesise that external conditions determine the basic relationship of the legislature to the executive and its capacity to affect the policy process, while internal variables can reinforce this capacity but not determine it.⁷ This represents the point of departure for comparison in this paper. Constitutional powers, external actors and social legitimacy are considered core external variables. Central internal features are the committee system, party groups and the chamber.

In practice, it is impossible to make a straightforward distinction between external and internal variables. When analyzing parliament's ability to hold the executive accountable independent agencies (i.e. national audit office, ombudsman, human rights commissions, anti-corruption agencies etc.) must also be taken into consideration. Moreover, there are other external sources such as the party- and the electoral system, the judiciary, political culture, and various interest groups of importance. Although the external-internal distinction cannot be completely adhered to, it may serve as a tentative guideline and a useful means of comparison.

External variables

Copeland and Patterson (1998:xxix) suggest, when examining parliaments in their environments, that the character of the institutions depends on the political party and electoral system and relations with the nation's executive. Norton (1998:6) is even more general when labelling the relevant factors in the external environment cultural, constitutional and political. Most of authors deal with at least some of the variables included under these headings when assessing the impact of a legislature's external environment. For example, Norton and Ahmed (1999:3-6) refer to the political culture, external patrons, the constitution, administrative structure and the party and electoral system, while Norton and Olson (1996:7-9) consider variables such as the constitutional structure, administrative structure, party- and electoral system and interest groups. All in all, the variables stipulated are to a large degree overlapping; hence, the literature may be said to essentially deal with the same, even if the name tags are different. Norton and Olson's referral to interest groups is not very different from Norton and Ahmed's application of political culture. Interest groups can be seen as partly embraced by the concept of social legitimacy. Social legitimacy may to a certain degree also be taken to cover political culture since it is the different layers of society that constitute the basis for this culture. However, aspects of the political culture is also reflected, for instance, in how party groups impact on the internal functioning of the assembly. The latter should be taken into consideration in the analysis of the internal legislative environment. While

⁷ For the distinction between external and internal variables and the application of the hypotheses see, Norton (1998), Norton and Ahmed (1999) and Norton and Olson (1996).

external patrons also to a certain extent could be subsumed under social legitimacy the central role bilateral and multilateral donors play in sub-Saharan African countries makes it natural to deal with them separately.

Social legitimacy could be examined by mass and elite perceptions of the legislature which is an assessable option. The media is for instance crucial in regard to reporting on parliamentary debates and in creating publicity and transparency about parliament's work and political processes and thus may be used as an indicator of legitimacy. Admittedly, this operationalization of social legitimacy is imperfect in that it does not capture the extent and nature of organized interests in society and their potential impact on the legislature. The degree to which it is really revealing of factors such as interest groups and political culture is accordingly disputable. Partly to compensate for this, the influence of organized interests could for instance be taken into consideration and integrated into the analysis of the parliament's constitutional powers (e.g. when analyzing parliament's budgetary powers). Civil society groups have been encouraged to actively participate in the ongoing poverty reduction strategy paper (PRSP) processes in many African countries⁸.

Watchdog institutions (e.g. the ombudsman, anti-corruption commission, human rights commission and the auditor general) could also have a bearing on parliament's accountability function. The office of the auditor general is crucial in regard to ex-post control of government accounts and in many countries co-operate closely with parliament. The relations between the office of the auditor general, anti-corruption agencies and parliament are also of importance when analyzing parliament's budgetary powers. External variables like administrative structure and party- and electoral system should be looked into when considering the workings of the internal legislative environment. The party- and electoral system impact substantially on the party groups in parliament while the administrative structure is of crucial importance for the committees in parliament and their relationship to the executive. Other factors that may be considered external and potentially of importance like the judiciary is not explicitly included in the analytical framework, but its potential impact on parliamentary functions should not be ignored. The impact of the judiciary on the legislature could be checked for by for instance paying attention to potential controversies between the courts and parliament.

From the above, it is clear that the distinction between variables in the external and internal legislative environment is not completely adhered to. This reflects that to draw a clear-cut divide between external and internal variables is impossible. Nonetheless, it could serve as a tentative guideline and a useful means of comparison. Even if constitutional powers, legitimacy and external actors do not cover all the external factors which may affect parliament's accountability function, it is believed that these nonetheless are adequate to sufficiently indicate the legislature's basic relationship to the executive.

Constitutional powers

The constitutional powers granted to parliament are necessary but not sufficient for explaining the power of legislatures (Patzelt 1994:109; Norton 1998b:6-7). The frequent discrepancy between formal and actual powers cannot be underlined often enough. Yet,

⁸ These were introduced by the World Bank and IMF in 1999 and came as a response to a perceived deterioration of poverty and inequality conditions and pressures to move on country debt burdens.

the analysis of constitutions should never be neglected since it stipulates the basic structures, powers and relationships of the different organs of the political system. Formal powers should be looked into as a means of identifying and examining areas where the distribution of power relations between the executive and the legislature is unbalanced in favour of the executive. Where the explanatory power of *de jure* rules is clearly perceived as inadequate, informal factors should be turned to, so as to explain the *de facto* workings of the accountability relationship between the legislature and the executive. This is particularly relevant in a sub-Saharan African context in which the classical Weberian institutional approach hardly fits the present-day state.

Chabal and Daloz (1999) have developed an alternative model of explanation arguing that analysis of state institutions are meaningless since they are just empty shells hiding a reality of deeply personalized relations devoid of any authority. This leads to a ‘politics of disorder’ where the incentives for maintaining the status quo are very strong for those involved. In such a situation the likelihood for institutionalization is limited. Neopatrimonial theories argue that the informal aspects of African politics can be incorporated into the analysis of political institutions in the Weberian sense. Despite the presence and impact of neopatrimonial elements, democratic transition may lead to phase of democratic development through political and institutional reforms (see e.g. Bayart 1993; Bratton and van de Walle 1997; van de Walle 2001). Robinson and White (1998) have also taken the characteristics of the African context and politics into consideration in their work. Thus institutions matter but they are deeply embedded in national and regional contexts, as well as the sub-contexts of informal influence (Rockman 1997). A combination of the two approaches therefore seems to be the most fruitful.

The cornerstone of the political system and its political process is the way in which the cooperation of parliament and government is organized, for example whether there is a presidential, parliamentary or some hybrid system of government. Since there is a lot of variation within each of these ideal types classification schemas which distinguish between more than three categories of regime types should be applied. One of the most renowned schemas for regime classification is the one presented by Shugart and Carey (1992). They concentrate on constitutional powers only and analyze presidential power along two basic dimensions. One encompasses legislative powers, while the other concerns non-legislative powers. These dimensions are also suitable for analyzing the accountability relationship between the executive and the legislature, in that they capture the essential balance of power between the two institutions (see table 1).

Table 1. Overview of constitutional powers

Constitution	
<i>Non-legislative powers</i>	<i>Legislative powers</i>
cabinet formation	veto rights
censure	budgetary powers
cabinet dismissal	-(exclusive) rights to initiate
powers of dissolution	legislation

In Tanzania an assessment of non-legislative powers shows that the 1977 Constitution has a weakness in that it lacks provisions enabling parliamentary enforceability of an accepted notion of collective responsibility. The accepted notion of answerability could also be seen as deficient since only collective accountability is explicitly provided for in the

constitution (1977 Constitution Art. 53), while a provision for individual ministerial answerability is ignored.⁹ The constitution thus disregards a range of possibilities for enforceability which could complement the notion of answerability, for instance the possibility of a no confidence vote or motions of censure regarding ministers collectively or individually and the consequences that should flow from an adverse vote (Wang 2005).

The legislative powers conferred on the President are considerable. The President has a pocket veto which can be overridden by a two-thirds majority in parliament. If opposed in parliament and the bill is still not acceptable to the president, he must call new parliamentary and presidential elections (1977 Constitution Art. 97). Although the President never has gone as far as dissolving the Bunge his power to veto legislation very effectively functions as a mechanism of pressure, ensuring support and compliance with government policy. The MPs would in most cases do anything to avoid dissolution, since the risk of not being re-elected for many would equal losing one's livelihood (Wang 2005). The remuneration of MPs is still generous with attractive fringe benefits like car loans and fuel allowance (Biddle et al. 2002: 19; Mmuya 1998:131), an incentive for the CCM MPs to toe the party line. The Tanzanian budget process has been criticised for not sufficiently involving the parliament. There has been little room for parliamentary input in the initial stages of the process. The parliament is not involved in the process before the approval of the Finance Bill, and cannot influence policy at a stage in the budget process where it can easily be changed (Isaksen et al. 2001:29; Naschold and Fozzard 2002:46; Wang 2005) thus limiting parliament's ability to exercise accountability in fiscal matters. The national audit office's reports are delayed (Tax 2004:38; Almagro 2003:5) creating a considerable time lag between when an audit is carried out and when the audit reports are submitted to the relevant parliamentary committees for discussion complicating follow up of audit findings by the legislature. The committees are largely unable to follow up on actions required to be taken by the executive and there is a lack of effective enforcement mechanisms and disciplinary measures for non-compliance with committee recommendations (Rutashobya 2004:29-30; Naschold and Fozzard 2002:46). Recently measures have been taken to strengthen parliament's role in the budget process but the effect of these are unclear.

Social legitimacy

The social legitimacy of the legislature is looked into as a second aspect when assessing the accountability relationship between the legislature and the executive. The degree of social legitimacy attained by the legislature is reflective of its strength and position vis-à-vis the executive. Moreover, social legitimacy in combination with influence on the policy-making process provides an indication of the future position of a legislature in the political system. This is particularly relevant in countries that recently have undergone regime change and in which democracy is still not consolidated. Central questions are to what extent the mass and elite publics in society are supportive of parliament. Is it respected and trusted? Is parliament seen as a "rubber stamp" or is it believed to have the ability to exert influence on the executive? Are the MPs seen as self-seeking and corrupt, or as competent and hardworking? To explain the attitudes of the average citizen as well

⁹ After the passage of the Ninth Constitutional Amendment Act in 1992, the legislature got the possibility of passing, by a majority, a vote of no confidence in the prime minister. If passed, the prime minister must resign and the president is obliged to appoint a new prime minister (1977 Constitution Art. 53A). There is in other words a possibility of enforcement, but ministers can still not be taken to task individually, nor can the entire cabinet.

as the elite, public events of importance for the legislature's image, election turnouts as well as the media and existing surveys should be addressed.

Table 2. Overview indicators social legitimacy

Social legitimacy
Mass perceptions of the legislature
Elite perceptions of the legislature

In Tanzania parliament can seemingly rely on considerable support from both the elite and the 'average citizen'. An Afrobarometer survey conducted in 2001 reveals that Tanzanians place extremely high trust in the parliament. When asked about their trust in the national assembly 92 percent of the respondents were positive, with 56 percent stating that they trust it 'a lot' (Chaliga et al. 2002:43). Further evidence of the strong position parliament holds is that many people follow the parliamentary sittings by listening to the radio and a few by watching them on television (Biddle et al. 2002:23). This result is quite surprising since pervasive corruption in a country is frequently seen to exist along with low levels of support in public institutions. Tanzania is indeed a country where corruption is commonplace ranking as number 90 on Transparency International's 2004 Corruption Perceptions Index.¹⁰ An amendment to the election law ('the takrima law') was for instance passed in 2000 just before the general elections and was seen to open up for bribery and corrupt practices (Kelsall 2002:611). In the 2000 elections there were numerous press accounts of candidates with plastic bags of money and fights breaking out among campaign staff and supporters over the allocation of money (Heilman et al 2001:16) and there were at least 360 cases of reported irregularities and corruption charges at both council and parliamentary level (Biddle et al 2002:20). The Afrobarometer survey also demonstrates that 46 percent of the respondents perceived elected leaders as corrupt (Chaliga et al 2002:43). All the same election turnouts are relatively high – 76.5 percent of those registered as voters voted in 1995 while 72.8 percent voted in the 2000 election to the union parliament.¹¹

The high trust in parliament is indeed a paradox which is hard to explain. When assessing non-legislative as well as legislative constitutional powers, there were grave shortcomings to be observed as regards parliament's accountability function. One would perhaps have expected a more potent parliament than what is really the case considering the massive popular confidence in the institution and one may speculate that social confidence in the parliament is likely to wear away if parliamentary performance is not strengthened.

External actors

Donors have become significant actors in most sub-Saharan countries as the great majority of these countries are recipients of development assistance either in the form of multilateral and bilateral programs. International initiatives have recently resulted in the poverty reduction strategy processes which were introduced by the World Bank and IMF in 1999 and came as a response to a perceived deterioration of poverty and inequality conditions and pressures to move on country debt burdens. Poverty reduction strategy papers (PRSPs) are country-drafted strategic economic documents intended to establish a

¹⁰ Tanzania's CPI score is 2.8. The score relates to perceptions of the degree of corruption as seen by business people and country analysts and ranges between 10 (highly clean) and 0 (highly corrupt).

¹¹ http://www.idea.int/vt/country_view.cfm?CountryCode=TZ. Accessed 25 April 2005.

multi-year framework for national poverty reduction. They provide the basis for assistance from the World Bank and the IMF, as well as for debt relief under the Heavily Indebted Poor Country initiative and an increasing number of donors coordinate their aid according to the this policy planning initiative. Central to the PRSP policy templates is a restructuring of the budget process so as to make them more in line with the goal of substantive poverty reduction. The PRSP is seen as the standard entry point of parliaments in poverty reduction strategies (Eberlei and Henn 2003:22). It is therefore vital to include the influence of external actors when analyzing the accountability function of parliament. Factors that should be taken into account are for instance the framework for implementation of the stated pro-poor politics laid out in the policy documents articulating the respective countries development policies and political preconditions for aid. In the event of interventions in parliamentary matters the type and degree of these must be assessed (e.g. exerting pressure in the form of cut in aid).

Table 3. Overview indicators external actors

External actors
Framework for implementation of pro-poor politics/other development aid
Political preconditions for aid

There are indications that parliaments especially in sub-Saharan Africa so far have played only a marginal role in the development and implementation of poverty reduction strategies (see, Eberlei and Henn 2003; McGee et al. 2002; Booth 2003; Bwalya et al. 2004). It has in fact be argued that the development and implementation of PRSP has contributed to weakening parliamentary authority in a number of countries including Tanzania (Gould and Ojanen 2003; Eberlei and Henn 2003). The PRSPs have tended not to include parliament although the process is supposed to be participatory in nature. The result has been that certain NGOs are included in the Tanzanian budget process all the way from the preparatory stage to the oversight of policy implementation (McGee et al. 2002:65-66). Thus they have been more involved in budgetary matters than parliament. Recently there has been a gradual realization of the importance of involving parliaments in the PRSP processes as a means of ensuring their sustainability but whether this has led to increased involvement and influence of parliament is not clear.

Internal environment

The features of the internal legislative milieu are complementary to the external legislative factors, and combined they may give a reasonably complete picture of a legislature's accountability function relative to the executive. The internal legislative features are revealing of to what extent the legislature have a standalone impact on the policy process, since internal factors are presumed to affect the allocation of legislative power, and is in this way also a good pointer to its accountability function. The viscosity of legislatures appears to be greater the more institutionalized a legislature is (Norton 1998b:9).¹² Parliamentary institutionalization involves, according to Pridham (1990:228), "the acquisition of a certain legislative effectiveness, organizational articulation and rule-

¹² The concept of 'viscosity' was developed by Bondel and his associates (1969-70). Viscosity is characteristic of the degree to which legislatures are compliant or free. It refers to the capacity of the legislature to resist legislation initiated by the executive.

abiding patterns – and more broadly – political viability and autonomy.” The three principal variables taken for analysis are the committee system, party discipline, and the chamber. The committee system and party groups are often seen as the loci of power in legislatures (Strøm 1995:67), and are very important organizational structures in most parliaments, as can be observed in most of the literature on comparative legislatures.¹³ The internal variables focused on are to a large extent mutually dependent in the sense that e.g. party groups may have a considerable impact on both the workings of the committees and the plenary.

It has to be underlined that oversight is especially crucial in relation to accountability. The oversight role has in general had little focus in the theoretical literature. Nonetheless, this function is of prime importance when examining the committee work as well as the functioning of the plenary assembly, e.g. the question hour in the legislature. Regarding the initiation phase of the policy-process, the MPs’ opportunity to introduce private member bills and the extent to which this takes place in the committee of the whole house is of interest. The formulation of legislation is in particular of relevance in relation to the committee work. Lastly, the deliberation phase of the policy process takes place both in the plenary and the committees.

The committee system

Substantial scholarly attention has been paid to legislative committees in recent years and a growth of the centrality of committees as a global phenomenon has been noted (Longley and Davidson 1998:2, Shaw 1998:230; Mattson and Strøm 1995:249). As Shaw (1998:247) observes, “parliamentary committee change—in particular through structural differentiation—is happening in the First World. So, too, is change—particularly the development of parliamentary committee infrastructure—happening in the Third World.” Today it is widely agreed that the impact a legislature has is crucially dependent on its committee arrangements (Shaw 1998:229; Blondel 1990:249) since a powerful legislature normally realizes its potential through structural differentiation. Joseph LaPalombara’s statement has generally proved to be true, “if the national legislature is to be a significant political factor, then it must have specialized committees of limited membership and considerable scope of power” (LaPalombara 1974: 311). This is further underlined by Mezey (1979:64), who has pointed out that if a legislature is to have strong policy-making power, it also has to have a highly developed committee system generating policy expertise in most policy areas. Strong committees must be valued to be at least a necessary condition for effective parliamentary influence in the policy-making process. Whether they are sufficient is however not as evident (Strøm 1998:47; Mattson and Strøm 1995:250). The implication is that the more specialized a legislature is, i.e. the more elaborate its committee system, the greater viscosity it has.

There are many attributes defining the committees’ ability to impact on the policy-making process central characteristics are whether they are permanent or ad hoc (Mezey and Olson 1991:15), and whether the committee system parallel rather than cross-cut the administrative structure (Mezey and Olson 1991:15; Norton and Ahmed 1999:7). Another indicator of influence on the policy process is that independence for the members can be facilitated in the committees since partisanship can be relaxed by the relative privacy the committees often provide. This factor is especially important in a one-party or one-party dominant system, where one generally would assume that the parliamentary

¹³ See for example Loewenberg and Patterson (1979), Blondel (1973) and Mezey (1979).

policy activity would be lower than in a system with numerous parties where no party or coalition is dominant (Mezey and Olson 1991:14). In addition, the composition of the committees is of relevance. The assumption is that an informed membership is better able to subject bills and proposals to scrutiny (Norton 1998b:10). Where committees are permanent, a continuing service by incumbents may develop “a collective expertise and a more independent ethos” (Norton and Olson 1996:11). Accordingly, it is of importance to map whether the chairmanships are frequently circulated or more permanent in nature, and to establish how the members are assigned to the committees.

Further, it may be of importance whether the committees have distinct and autonomous jurisdictions or whether there is an overlap in relation to this (Norton and Ahmed 1999:7). An overlap may create confusion and lead to responsibilities being ignored. Another crucial issue is whether the committees have the powers to set their own agenda, change legislation and whether they are vested with the power to take evidence. The viscosity of a legislature is expected to be stronger if it is vested with the powers to summon witnesses and require the submission of written material. This will naturally increase its expertise (Norton and Olson 1996:11). Moreover, are they well-resourced in terms of staff, funds, research facilities, offices and other infrastructure? For convenience sake, this indicator could also cover resources for parliament as such. The place the committees have in the legislative process is also important since studies have shown that whether bills are considered in the committees before the plenary or vice versa may provide them with greater opportunity to influence legislation and thus enhance legislative viscosity (Shaw 1979:417).

Table 4. Overview indicators committee system

Committee system
Permanence of committees; composition; circulation of membership and chairs
Committee set-up relative to administrative structure; place in legislative process
Committee jurisdiction; agenda setting powers
Degree of partisanship present
Resources, regularity of meetings
Powers to take evidence; hold hearings; change legislation

The Tanzanian parliament is an example of an institution that has become more specialized and gradually has moved away from an essentially chamber oriented system after the introduction of a multiparty system in 1992. The legislature now comprises 13 standing committees outnumbering the eight that existed during the one-party system. Moreover eight departmental committees were established in 2001 to look into the government estimates. The use of select committees can now be seen as a real supplement to the established system of standing committees and have been formed on a number of occasions (Kelsall 2003; Wang 2005). The committee system has in other words been extended generating more favorable conditions for parliament to act independently in the policy process. The actual work in parliament now commences at the committee stage. The Speaker has asserted that the committees’ comments and recommendations frequently effect amendments in proposed bills (Biddle et al. 2002:22). His view is supported by both opposition MPs and ruling party MPs, who all conveyed relative contentment with the way the standing committees operated. Ordinarily, the impression

was that the government took into account the recommendations made by the committees.¹⁴

Notwithstanding, the MPs' committee work is hindered by poor information and communication systems – bills often do not reach the parliament on time signaling a shortcoming in answerability. Another weakness is the lack of institutionalized possibilities for communicating dissatisfaction with the executive in a manner that entails real political costs and that the membership of the standing committees do not last for more than 2.5 years (Wang 2005). Insufficient funding and lack of basic infrastructure are also noticeable constraints (Biddle et al. 2002). Some committees are now allowed to conduct public hearings. But as the Speaker asserts, due to scarce funding this is only applicable to a few selected bills of particular importance or interest and the Speaker himself authorizes the use of the mechanism (Msekwa 2000:6).

Party and party groups

The effects of party and party groups on the internal workings of parliament are essential for understanding the impact as well as the behavior of MPs. Parties may contribute to greater institutionalization through party group infrastructure and leadership positions and may also facilitate the aggregation of views within the legislature. However, complete dominance of parliamentary behavior by parties limits the potential for independent action by the MPs.

Very strong and disciplined parties have the tendency to subordinate the legislature, but according to Mezey (1985:758) they will “maintain it as a functioning entity within parameters defined by the party.” Such instances are typically found in single-party systems which have marked the history of many sub-Saharan African countries. In a system where the executive has a strong and disciplined majority of its partisans in the legislature, these partisans are very likely to support the executive's important as well as less important policy proposals. The legislature's independent impact on the policy process is thus reduced.¹⁵ The logic is that no matter how large majority a governing party may have in the legislature, the frequency with which the legislature constrains the government increases when party discipline declines and vice versa (Mezey 1998:782). Party discipline and the legislature's viscosity are in this way inversely linked.

The same logic applies to the parties' impact on committees. Shaw (1979b:241) presents party as the most important conditioning influence on committee behavior. A common assumption is the more important the parties are, the less important the committees and vice versa (Olson 1980; Shaw 1979;1979b). If the same cohesive (and disciplined) party has had a dominant position in the legislature for an extensive period of time, it is plausible to believe that the committees may become extraordinary weak (Shaw 1979b:247).

¹⁴ Personal interviews W. Slaa MP Chadema 21 July 2002; A. Kabourou, Chadema, Chair PAC and leader of opposition 22 July 2002; W. Shija, CCM Chair Foreign Affairs Committee 23 July 2002; N. Kasaka, CCM, Chair Finance and Economic Affairs Committee 23 July 2002; P. Kabisa, CCM Deputy Chair Foreign Affairs Committee 24 July 2002.

¹⁵ Such legislature's *may*, however, constrain the executive, for instance through more informal mechanisms such as threat of public opposition, discussions within party caucuses and active use of oversight prerogatives (Mezey 1998:782).

Party discipline is also likely to impact on the role orientations of the MPs and thus what kind of representatives they are. When centering on party discipline one can ask, when pushing it to extremes, whether MPs are merely party delegates? Or are their loyalty rather placed with the constituents? It is of course not a given that a representative is a delegate; s/he may just as well be a trustee, and thus act more according to own convictions. Most representation, however, naturally fall somewhere in-between the ideal types of delegate and trustee.

Chabal and Daloz (1999:55) look at representation from another angle. They assert that representation in an African context is markedly distinct from representation as perceived within a western model. The African notion of representation is communal or collective centred, and instrumental in that it entails the active furtherance and defense of communal interests. It henceforth deviates from the western liberal democratic conceptualization of representation which traditionally embodies the obligation of legislating on behalf of the common good, as well as acting in the interest of all the citizens an MP represents. Clientelism is a distinct feature of the informalized and personalized type of politics found in Africa, where legitimacy rests primarily on redistribution. Representation appears “instrumentally to be connected with a complex nexus of transactional links between the leader, or patron, and his/her clientelistic constituency (both local and national)” (Chabal and Daloz 1999:2). When evaluating the MPs’ role orientations, this aspect should also be taken into consideration, as well as representation in a more traditional western sense.

When exploring the impact of party on the legislature’s autonomy and hence its viscosity relevant factors are: How organized are the parties in parliament and how much freedom do they permit in relation to voting and speaking; in other words how cohesive are they and how strong is the party discipline? Moreover, it is timely to examine which means the party leadership has at its disposal when it comes to punishing or rewarding MPs who do not conform to the party line. Can the party apply sanctions, and if this is the case, what kind of sanctions are applied? Are the MPs allowed to cross the floor? Important also for determining the degree of party discipline present is the representative role of the MPs. What kind of representatives are they? The two last areas are just as relevant for the functioning of the plenary as the committees.

Table 5. Overview indicators party and party groups

Party and party groups
Party organization
MPs’ representative role
Mechanisms of sanction

In the wake of economic and political liberalization Tanzanian politics have been progressively more localized. This is reflected in the MPs representational roles which now seem to be largely focused on patrimonial legitimacy as bonds between local and national elites are closer than during the one-party era. An orientation toward the district is now essential and just as important as having the right party connections and a central

position within the party as the competitiveness of politics have become fiercer.¹⁶ Key local politicians are increasingly found to play the role of broker in their home communities, establishing links between the groups of clients and a patron i.e. the MP (see, Kiondo 1994:77; Kelsall 2000:550; 2002:611; Gibbon 1998:49). Increased patrimonial representation in the form of clientelism exists side by side with a party-oriented role while in parliament. The importance of cultivating political and personal ties with the constituency is naturally also reflected in the MPs' focus in parliament but as a rule only when party discipline is somewhat relaxed.

In as good as all matters of importance strict party discipline is imposed on the CCM MPs through the whip system and a party caucus that are more institutionalized and advanced than that of the opposition (Wang 2005). Since 1992, the CCM party caucus meetings have been held whenever there have been major policy issues in parliament (Mtei 2000:7). Some degree of party discipline is a common feature of most multiparty systems; what is exceptional in the Tanzanian case is the extent to which discipline is imposed. The fact that MPs are not allowed to cross the floor and independent candidates are banned provides the parties with an effective disciplinary mechanism. Expulsion from the party in practice means that you have to resign your parliamentary seat. Since there is a lot at stake for an MP, the incentive for toeing the party line is strong. The outcome is that, as asserted by a former minister and now CCM MP, "you get MPs and ministers that are easily disciplined by the party and its chairman".¹⁷ The party discipline must be considered so strong that it negatively affects parliament's ability to hold the executive accountable and thus considerably limits the effect of the strengthened committee system.

The chamber

In any country characteristics of the chamber itself could affect the legislature's capacity to impact on the policy-making process and thus the accountability function of parliament. The powers, procedures and mode of meeting of the committee of the whole house are potentially of great importance in relation to the policy-process. It is important to note that there is a crucial link between party groups and the chamber in the same way as there is a close binding between party and the committees in parliament. For instance, the party leadership's access to sanctions and the representative role of the MPs are central in relation to the functioning of the chamber as well. Therefore, some of the indicators included here may already have been commented in the analysis of the committee system and party and party groups.

Of relevance in relation to the structure of the chamber are factors like: What are the procedures for dealing with legislation? How autonomous is the chamber in determining its agenda—are there many private member bills and motions? Does the assembly have a set period for asking questions to ministers? Are questions asked spontaneously or by notice? How open are the proceedings to the mass media and the public? Is there a period

¹⁶ Observers have argued that with the retreat of the state, the spoils character of the Tanzanian political elite has escalated. Economic liberalization has increased the elite's incentive for self-enrichment (Kelsall 2002:608), and has accelerated a formalization of politics and a de-classing of the elite (Gibbon 2001:842; Gibbon 1998:49; Kelsall 2002:610-611; 2000:549). Kelsall (2000:550) maintains that the search for new sources of wealth is discernible in struggles for control of local non-state institutions, which provides access to considerable resources. Alongside the increased flow of donor resources at this level, the districts have emerged as the crucial centres for the MPs to seek support.

¹⁷ Personal interview J. M. Makweta, MP CCM, former minister 22 July 2002.

where the MPs can make statements of their own? How regularly does parliament meet and what about the attendance?

Table 6. Overview of indicators chamber

Chamber
Agenda setting powers
Legislative procedures
Functioning of question hour
Regularity of meetings
Attendance

In Tanzania the overall ability of the MPs to draw on the options available to influence the policy process has been discouraging with respect to private member's bills – no private member's bill has been introduced since 1995. It is a problem that the government draftsmen are few and their priority biased towards the government. They rather work on government bills than bills originating from the opposition (Biddle et al. 2002:24). The few private member motions introduced have been more effective. Ministerial resignations have come at least partly as a result of parliamentary pressure.¹⁸ These instances must be considered as controversial and politically significant cases where parliamentary undertakings have been unpopular with the government, and where the pressure exerted by parliament to a certain extent has resulted in outcomes that have been adverse to government interests. Seemingly, in cases where parliament in combination with other forces, for instance the media or party frictions, exerts pressure, parliament may be the last straw (Wang 2005).

Question hour is seen as the MPs prime opportunity to prove to his/her constituents that s/he is working hard to promote their interests and has become popular among the MPs and the population at large (Msekwa 2003:19). It is broadcasted live on the radio and represents a very convenient way of reaching out to your constituents. The quality of the questions is varying, as the MPs are hampered by poor information and lack of assistance (Biddle et al. 2002:25). Also, the answers by the ministers are frequently perceived to be of little value. When going into detail about the question hour a selection of MPs expressed that: "The minister answers, and normally you do not get much out of it. It is a tricky way of answering that they resort to. They normally limit themselves to the main text and try to go around it. In very few cases they come up with new data or new substance".¹⁹ "The ministers often twist their answers and make them unnecessarily complicated and vague".²⁰ "There is a lack of seriousness from the ministers when it comes to answering questions. They just answer to avoid bother, not to solve

¹⁸ In the period from 1990-2002 three ministers have lost their positions in the government and in all three cases parliament has been at least part of the reason for the outcome of matters. In April 1993 Tourism Minister Abubakar Yusuf Mgumia had to resign in a scandal tied up to the Loliondo Game Controlled Area, Finance Minister Simon Mbilinyi resigns in a corruption scandal in November 1996 while the minister responsible for industry and trade, Iddi Simba resigned from the government in November 2001 the day preceding the parliamentary debate of a report into what has been referred to as "Sugargate" or "The Simba Sugar Scandal". The resignation followed intense pressure on him as well as on the government, from MPs and the public at large (EIU 2001:17).

¹⁹ Personal interview W. Slaa, MP, Chadema 21 July 2002.

²⁰ Personal interview T. L. Kasella-Bantu, MP, UDP 22 July 2002.

problems”.²¹ This also implies that the question-and-answer sessions contain few implications for enhanced answerability vis-à-vis the executive. Rather they function as a means to strengthen bonds of vertical accountability.

Latent preventive or directive functions

In relation to all the indicators identified one should be aware of the possible latent preventive or directive function that may exist between them. For example, the application of sanctions is prone to be affected by the “rule of anticipated reactions,”²² and may potentially work through it (Damgaard 1995:312). When the MPs are aware of what may happen in situations of deviant behavior the consequence may be that they as a result conform to the party line. A rational actor (MP) may indeed evaluate his options and conclude that in the long run what serves his interest best is conformity and not deviancy. This may especially be the case when seen on the background of the possibility of promotion and re-election. Another potential scenario is a situation where all government proposals pass the legislature unopposed and unlamented simply because the government refrains from introducing legislation that will provoke substantial legislative opposition. Hence, one should not ignore the possibility that legislatures which apparently seem to have little or no power to initiate and compel changes in policy proposals may have a more subtle power of informally setting the framework (parameter) within which those with policy-making power actually operate (Mezey 1979:8).

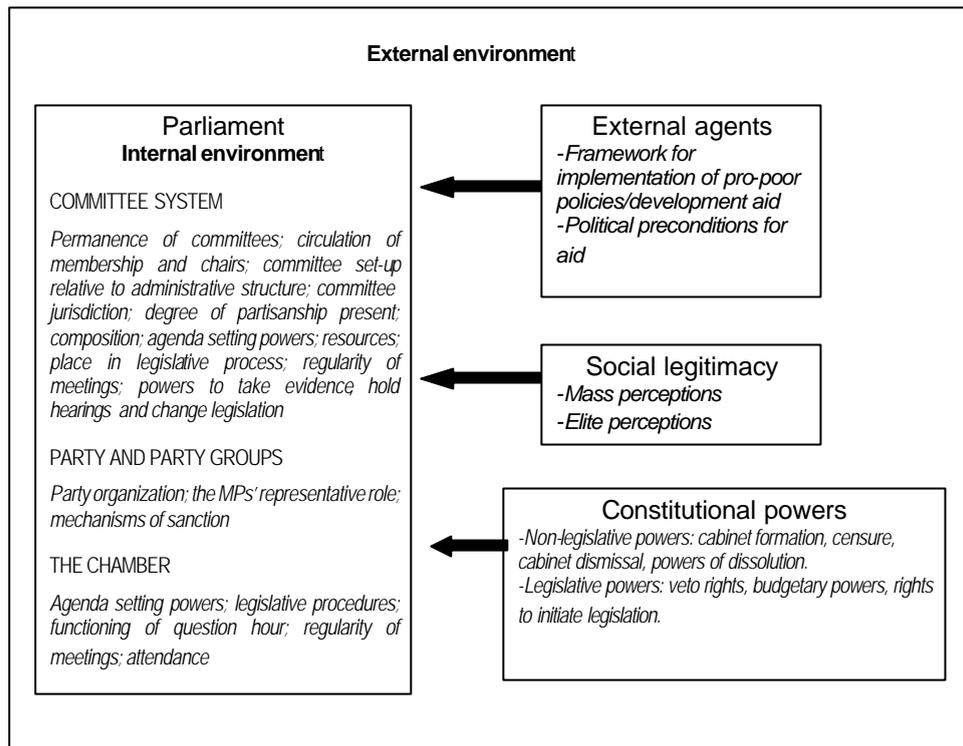
Conclusion

An analytical framework for the analysis of the Tanzanian parliament’s ability to hold the executive accountable has been developed on the basis of what was considered the most important parliamentary accountability functions – the legitimation and decisional/influence functions. The policy making function of parliament was seen as the core component of the latter while social legitimacy was believed to strongly impact on the legitimation function of parliament. On the basis of this, an analytical framework consisting of variables drawn from what was categorized into the external and internal legislative environment was created. The assumption was that the external environment determines the capacity of the legislature to hold the executive accountable. The internal environment reinforces, but does not determine the accountability capacity of the legislature. The variables in the internal environment determine whether the legislature is strong or weak within the confines set by the external environment. Three external features were taken for analysis: constitutional powers, external actors and social legitimacy. The principal internal variables considered were the committee system, party and party groups, and the chamber. Along all of these variables indicators were identified (see figure 1 for an overview of the analytical framework). While the framework was developed with the Tanzanian parliament’s accountability function in mind, it is believed that it could also serve as a useful guideline for analysis and comparison within and across other sub-Saharan African countries.

²¹ Personal interview J. M. Makweta, MP CCM, former minister 22 July 2002.

²² “The rule of anticipated reactions” is associated with Carl J. Friedrich and founded on the assumption that if X’s actions will be subject to review by Y, with Y capable of rewarding good actions and/or punishing bad ones, then X will likely anticipate and consider what it is that Y wants (Friedrich 1963 in Morgenstern and Nacif 2002). The rule of anticipated reactions is strongly related to Dahl’s term “implicit” influence. Implicit influence e.g. takes place if Parliament is successful in influencing the executive without taking any actions (Dahl 1991)

Figure 1. Factors determining parliament's horizontal accountability



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Summary

The role of parliaments in holding the executive accountable is a neglected topic in the study of the democratization process in sub-Saharan Africa. In particular there is a lack of studies measuring executive-legislative relations over a long period of time, and few may serve as basis for comparative analysis across countries. This working paper sets out to develop a framework for an analysis of the accountability relationship between the legislature and the executive. Although the empirical illustrations throughout the paper are from Tanzania it is believed that the framework can also serve as a useful guideline for analysis and comparison in other countries in sub-Saharan Africa.

The paper's point of departure is the legitimation and decisional/influence functions of parliament – the functions considered of greatest importance for assessing parliament's ability to hold the executive accountable. The policy making function of parliament is seen as the core component of the latter while social legitimacy is believed to strongly impact on the legitimation function of parliament. These are in turn dependent on two sets of key variables which may be categorized into external and internal variables. The analytical framework is constructed by identifying indicators along all the variables and with two basic anticipations in mind: Parliament's basic accountability function is determined by external factors such as social legitimacy, constitutional powers and external agents. Variables which can reinforce parliament's accountability function, but not determine it, are the committee system, party and party groups, and the various characteristics of the chamber.

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