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THE IMPORTANCE OF THE PARLIAMENT CONTROL INSTITUTE IN THE DEVELOPMENT OF POLITICAL SYSTEM

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ABSTRACT

Over the years after independence, Central Asian countries have undergone serious transformations towards building of a democratic state. Legal and institutional foundations of the parliamentary oversight have established with the aim of ensuring rule of law and greater transparency and efficiency in public policy. Although the concept of 'parliamentary oversight' is widely discussed and mostly used by the politicians, as a theoretical notion little attention has been given by the academic community in Central Asian countries. Likewise, despite rigorous legal and institutional frameworks, oversight roles of the parliaments in Central Asia have not enjoyed similar level of success in controlling the Executive as it is in many developed countries. Thus, the current paper intends to propose new insights for further research by highlighting recent trends and developments in oversight research in the world, and urges academic community to facilitate politicians and practitioners with an appropriate research and proposals to enhance the efficiency of parliamentary control over the policies and programs of the executive government.

INTRODUCTION

During the last twenty years, Central Asian countries have undergone serious transformations towards building of a democratic state. Most countries have accepted the primacy of democracy as the universally accepted form of government. Legal and institutional foundations of the democratic governance have established with the aim of ensuring rule of law and greater transparency in public policy. Effective system of checks and balances between executive, legislative and judicial branches of government has ensured as one of the core elements of the democratic political system. Since gaining independence from Soviet Union in early 90s, governments of the Central Asian countries have paid serious attention to enhancing the role of the legislative branch in order to ensure the transparency and accountability of the executive government. Parliaments have armed with oversight functions through which they hold the executive branch accountable for their policy and programs. Oversight functions and mechanisms of the parliaments have also extended considerably. However, although the concept of parliamentary oversight is widely discussed and mostly used by the politicians, as a theoretical notion little attention has been given by the academic community in Central Asian countries.

Moreover, despite rigorous legal and institutional frameworks, oversight roles of the parliaments in Central Asia have not enjoyed similar level of success in controlling the Executive as it is in many developed countries. Thus, the current paper intends to propose new insights for further research by highlighting recent trends in oversight research in the world, and to urge researcher to facilitate politicians and practitioners with appropriate research and proposals to enhance the efficiency of parliamentary oversight of the policies and programs of the government. Parliaments, as the central institution of democracy, embody the will of the people in government, carry their expectations, and help solve the most pressing problems that confront them in their daily lives (Beetham, 2006). As the key legislative body entrusted with the oversight of government, parliaments are responsible for ensuring that governments are fully accountable to the people (Ibid). To this end, parliaments have undergone considerable changes in terms of their involvement in policy decision-making and advocacy. Especially noteworthy is the recent tendencies of more effective engagement of parliaments with the public so as to become more genuinely representative of their electorates and more effective in their tasks of legislation and oversight of government. Certainly, if carried out efficiently the oversight function of the parliament is a key in checking the executive tendency towards dictatorship, misconduct, and corruption (Izah, 2013). Some authors stress that the level of democracy in the society is positively

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correlated with the capability of the legislative branch in holding the executive government accountable and in ensuring the true will of general public – electorates (Fish, 2006). The literature on the notion of ‘parliamentary oversight’ and its values and contributions is now vast. So far, a wide range of definitions have been proposed on parliamentary oversight. Earlier literature on the oversight was mainly focused on the ex-post review of policies of the executive government. For example, for Meyez (1983, p. 512) parliamentary oversight represents the power of the legislature to have control over the executive and its agencies as a means of ensuring their accountability in front of the electorate – people. Likewise, Schick (1976) suggested that parliamentary oversight is about the legislative supervision of the policies and the programs enacted by the executive. However, recent researches have proposed the definition that goes beyond this narrow logic. For instance, Maffio (2002) defined parliamentary oversight as to mean not just a supervision of what the executive branch of the government has done but it is also supervision of the government’s legislative proposals.

In parliamentary democracy, the parliament has ultimate power to amend, approve or reject legislative proposal of the executive branch, which gives the legislature the power to oversee the executive policies before they are actually enacted (Pelizzo and Stapenhurst, 2006). Definitional extension of the parliamentary oversight stems from the fact that contemporary parliaments enjoy a wide range of tools and mechanisms of control over the executive that didn’t exist previously. Pennings (2000) have highlighted several tools and mechanisms of oversight that legislature exercise over the actions of the executives such as hearings in committees, hearings in the plenary assembly, the creation of inquiry committees, parliamentary questions, question time, the interpellations and the ombudsman and many others. Indeed, the scope and extent of the parliamentary oversight power have widened considerable throughout the time. Now, parliaments play essential role in both internal as well as external policy making.

Availability of extended tools and mechanisms of oversight is also an important prerequisite for better representative governance. However, effective oversight does not depend only on the existence of a wide range tools and mechanisms, but also on additional conditions. As was noted by Loewenberg and Patterson (1979), effective oversight may depend on the specific oversight powers given to the parliament, on whether the parliament has the ability to modify legislation. For Frantzich (1979), effectiveness of the oversight rest upon reliable information given to the parliaments and parliamentarians to perform their oversight tasks adequately. Rockman (1984) sees the efficiency in the role of individual MPs, in the role of committee chairs, in the saliency of issues and in how aggressively the opposition performs its role. Some scholars point to the accountability issues as an important precondition for effective oversight (Mulgan, 2002; Oliver, 2003). According to the concept of accountability, enhanced and effective system of accountability of the executive government to legislative branch, backed up by rigorous processes of audit, reporting and scrutiny, is fundamental to the effective parliamentary oversight (Griffith, 2005). Thus, through establishing an

effective framework for enhanced accountability, executive bodies will be subject to appropriate parliamentary scrutiny against inefficiency, maladministration and corruption. Certainly, effective oversight is beneficial for political system. West and Cooper (1989) offer two basic reasons for this argument: first, effective oversight can actually contribute to improving the quality of the policies and programs of executive government; second, as the executive policies and programs are approved by the legislature (in most cases), effective oversight may facilitate with greater legitimacy. After the collapse of the communist bloc in early 90s, newly independent Central Asian countries have been preoccupied with issue of how to design the political system and its institutions so as to make them more efficient and better serve the people.

Primary attention has been concentrated upon the structure and power of the representative branch and its’ interaction with other executive (presidents and prime ministers) and judicial branches. Legal and institutional foundations of the system of checks and balances have been established. However, practical efficiency of the parliamentary oversight of the executive branch is still questionable, because executive governments often lead by the presidents enjoy colossal level of power. Not less important is the fact that national parliaments are still in the process of formation, and supported by the appropriate research and proposal from the scholarly community on how to increase the efficiency of parliamentary control over the executive government. There are a few research works devoted to the analysis of the parliamentary oversight in Central Asian countries (Kudrakhodjaev, 2007; Latifov, 2002; Makhmudova, 2011; and others). However, majority of these works focus primarily on the formation and development of parliamentarism, the role of parliaments in the building of civil society, the legal basis of the interactions between power branches, and etc. However, there is little, if any, literature on the tools and mechanism of parliamentary oversight and the way to enhance its’ efficiency. Also under researched remain the cross-country comparative analysis of parliamentary oversight from the perspective of efficiency. Therefore, comprehensive and comparative research on the parliamentary oversight and ways and means of enhancing its’ efficiency would fill the gaps in the literature and help understand existing challenges and find adequate solutions.

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