

A UNDP project to strengthen Kazakhstan's parliamentary democracy

<https://hdl.handle.net/2144/20062>

"Downloaded from OpenBU. Boston University's institutional repository."

Senat 21

Feb 1999

PROJECT PROPOSAL

on Technical Assistance to the Parliament of the Republic of Kazakhstan

A. Background. Parliament Structure

The powers and authority of the Parliament, "the supreme representative body of the Republic", are set out in the Constitution, adopted by referendum in August 1995. The Parliament was elected in December 1995 with the most recent elections occurring in October 1999. The Chambers (Senate and Majilis) are headed by their chairpersons. The candidacy of the Chairperson of the Senate is nominated by the President. The candidacy for the Chairperson of the Majilis is nominated by the deputies of the Chambers. Parliament sits on a full-time basis.

Senate

Currently, the Senate consists of 47 members with seven members appointed by the President and the remainder indirectly elected by members of the regional assemblies. Senators' terms are six years with half of the Senate members elected every three years. However, according to the Law on Administrative & Territorial Division and due to the decrease of oblasts in the Republic of Kazakhstan, the number of Senators will be decreased from 47 to 37.

There are four committees in the Senate:

1. Legislation and Judicial Reform Committee - 9 members
2. International Affairs, Defence and Security Committee - 9 members
3. Economic, Finance and Budget Committee - 11 members
4. Committee for Regional Development and Self-Governance - 9 members

Sixty staff members are employed in the following eight Senate departments:

1. **Press Centre** - 2 staff members
 - Responsible for contacting journalists regarding Parliamentary activities and press conferences.
2. **Department of Working with Committees** - 17 staff members
 - Administratively prepares law drafts for the committees including maintaining the calendar of bills for consideration.
 - Organises committee hearings by contacting the appropriate ministry.
 - Assigns staff to a committee.
3. **Legislation Department** - 12 staff members (servicing all committees)

- Provides analyses and commentaries of all law drafts.
- May draft bills initiated by Senators.

4. **Inter-Parliamentary Relations and Protocol Department** - 3 staff members (servicing all Senators)

- Prepares documents, information, visas, and travel arrangements for Senators and staff travelling abroad.
- Interacts with international assistance providers and foreign Parliaments.
- Distributes information regarding international conferences and seminars.

5. **Organisational Department** - 4 staff members (servicing all committees)

- Invites deputies and other relevant individuals to plenary sessions of the Senate only.
- Organises seminars and conferences.

6. **Personnel Department** - 3 staff members (servicing all committees)

- Maintains and updates all personnel files for Senators and staff of the Senate.

7. **Editorial-Publishing Department** - 12 staff members (servicing all committees)

- Provides translation service for law drafts into Russian and Kazakh languages.

8. **General Department** - 8 staff members (servicing all committees)

- Administratively prepares all documents and drafts prepared by the Department of Work with Committees and Legislation Department for distribution to deputies.
- Maintains correspondence with other organisations and ministries
- Provides no analytical support.

Majilis

Currently, the Majilis consists of 67 members elected by direct, popular vote. After elections on October 10, 1999, the Majilis will be increased by 10 seats to a total of 77 members. The additional 10 members will be elected on the basis of party lists according to a system of proportional representation. Terms of Majilis deputies are five years. The following six committees of deputies exist in the Majilis:

1. Agriculture Committee - 8 members
2. Legislation and Judicial Reform Committee - 9 members
3. International Affairs, Defence and Security Committee - 11 members
4. Social and Cultural Development Committee - 8 members
5. Ecology and Environment Committee - 9 members
6. Economic, Finance and Budget Committee - 14 members

Seventy-four staff members are employed in the following six Majilis departments:

1. **Press Center** - 3 staff members (servicing all committees)

- Responsible for contacting journalists regarding Parliamentary activities and press conferences.
2. **Department of Work with Committees** - 18 staff members (servicing all committees)
 - Administratively prepares law drafts for the committees.
 - Organises committee hearings by contacting the appropriate ministry.
 - One staff person assigned to organise joint sessions.
 - Three or four staff assigned to work directly with a committee.
 - Provides no analytical support to the assigned committee.
 3. **Legislation Department** - 9 lawyers and 1 economist (servicing all committees)
 - Provides analyses and commentaries of all law drafts.
 - May draft bills initiated by a deputy.
 - Four members - 3 lawyers and one economist directly assigned to the Legislation and Judicial Reform Committee.
 4. **International Affairs and Protocol Department** - 9 staff members
 - Prepares documents, visas, information and gifts for deputies and staff travelling abroad.
 - Organises travel for deputies and staff.
 - Interacts with international assistance providers and foreign Parliaments.
 - Distributes information regarding international conferences and seminars.
 5. **Editorial-Publishing Department** - 12 staff members (servicing all committees)
 - Provides translation service for law drafts into Russian and Kazakh languages.
 6. **General Department** - 9 staff members (servicing all committees)
 - Administratively prepares all documents and drafts prepared by the Department of Work with Committees and Legislation Department for distribution to deputies.
 - Prepares calendar for bills under consideration.
 - Provides no analytical support.

The Information and Research Centre and Library is structurally located under the offices of the Majilis. Although the office is located under the Majilis, the Centre and Library serve both Chambers, conducts research requests and compiles data. The office has 13 employees.

Finally, the Engineering and Computer Centre is an independent office that serves the Senate and Majilis on a contract basis. The consultants that the Centre are neither employees of the Parliament nor civil servants although the centre is funded by the Parliament.

B. Issues in Building Capacity

The following represent constraints limiting the ability of the Parliament to achieve its full potential as a separate and co-equal branch of government:

Structural Constraints:

- Lack of national experience with a separate, independent legislative body.
- Lack of significant modern parliamentary/legislative experience on the part of members of the Parliament and staff to assert themselves as an equal partner in policy-making, budget formulation and program implementation.
- Lack of familiarity by the executive branch to work in partnership with a co-equal and independent legislature to achieve democratic and economic reforms.
- Lack of recognition and acceptance of the Parliament by the majority of citizens as the institution that effectively responds to their needs and problems.

Institutional Constraints:

- Insufficient capacity of the Parliament to control its own agenda and determine, either by itself or in consultation with government priorities to be addressed.
- Inability to draft high quality consistent legislation in adherence with drafting standards.
- Limited ability of Parliament to access comparative legislation, to conduct research, or to solicit timely expert advice and citizen commentary on legislation.
- Insufficient capacity to perform its own research-based information and critical, independent analysis of government initiatives.
- Lack of capacity and limited experience in encouraging citizen participation in the legislative process, in managing constituent relations, in responding to the needs of citizens, or in educating citizens about Parliament or the lawmaking process.
- Lack of human resource development pertaining to skills and information training for members of the Parliament and staff on such subjects as committee structure and role, the budget process, policy research and analysis, law drafting, documentation of the legislative process, transparency in lawmaking, constituent relations.
- Limited availability of staff professional development opportunities.
- Minimal technical resources such as reference materials or resource collections, computer networks, access to the Internet

- Insufficient human and financial resources to overcome these constraints and to improve Parliament's performance and capability.

C. Project Framework

The overall goal of the UNDP funded project is to further develop an independent and competent legislature within the political system of Kazakhstan and thus to promote good governance and strengthen national democracy institutions. The project activities are designed to contribute to the achievement of this goal through provision of technical assistance to the Parliament of Kazakhstan to increase its effectiveness and professionalism.

At the initial stage of implementation of the project signed on 18 October 1997 project management encountered some problems caused by relocation of the Parliament to a new capital - Astana. In 1998, UNDP made substantial progress in identifying priorities for assistance to the Parliament of Kazakhstan to strengthen its legislative capacity, efficiency of parliamentary procedures and process, including information/research and administrative support systems, and effectiveness of relationships with executive branch and constituents. The creation of Legislative Drafting Centre in the Parliament in cooperation with American Bar Association (ABA/CEELI) aims at strengthening the Parliament's capacity for initiating and drafting legislation.

Pioneering the dialogue with the Parliament, UNDP has succeeded in attracting additional funds from the Government of the Netherlands. Currently the project is also of significant interest for other donors.

In pursuit of these objectives the following major accomplishments have been made:

- Memorandum of Understanding on the Creation of the Legislative Drafting Centre has been developed, agreed and signed by heads of the Parliament chambers, UNDP and ABA/CEELI. The MOU provides general objectives and organisational principles of the Legislative drafting Centre and inputs by all parties. The Centre's professional staff of well-trained, non-partisan, legal experts, will provide legislative drafting services to the members and staff of the Parliament.
- To enhance the effectiveness and efficiency of the parliamentary process and procedures there were organised
 - * study-tour to Lithuanian Parliament for members of the Kazakhstan Parliament and two heads of the Legislative Departments in collaboration with ABA/CEELI;
 - * round-table on cooperation between the UN and the Parliament of Kazakhstan;
 - * Participation of Kazakhstan Parliament delegation in the 100th Conference of Inter-Parliament Union, Namibia, March 1998 and 101st Conference of Inter-Parliament Union, Belgium, April 1999;
 - * study-tour of Kyrgyz Parliament representatives to Kazakhstan Parliament
 - * seminar "Practice of Conducting Parliamentary Hearings" in collaboration with ABA/CEELI.

- Codified Computerised System "IRBIS" has been installed in the Information Centre's Library and relevant training for the staff and members of the Parliament provided. That will allow better access to existing information systems and resources of the library;
- With a purpose to upgrade information systems of the Parliament, all necessary equipment has been procured by the project. LAN system will be installed in all offices by the end of 1999.

In addition to activities carried out under the UNDP sponsored project ABA/CEELI has conducted:

- * training seminar on improving media relations;
- * roundtable on draft NGO law;
- * townhall meeting with Shymkent oblast deputies (MPs) and their constituents;
- * substantive analyses of draft laws (Grain, Media, On Lobbying) .

D. Development Objective

The goal of the project is to strengthen the lawmaking and representative functions of the Parliament within the political system of the Republic of Kazakhstan and thus contribute to good governance and the building of a democratic institution.

The purpose of the project is to assist the Parliament, both the Senate and Majilis, to evolve into a co-equal, independent legislature accountable to its constituents. Assistance is directed to the Parliament to increase its internal institutional capacity to more professionally and effectively represent and respond to the needs of the public through a more open, transparent and responsive parliamentary process.

Immediate Objectives and Outputs

I. To strengthen the effectiveness of the law-making function of the Parliament through the creation of a legislative drafting centre which will focus on increasing the quality, quantity, and consistency of draft legislation. Through the creation and work of the Centre, a professional staff of well-trained, non-partisan, legal experts will provide legislative drafting services to the deputies of the Senate and Majilis.

Outputs expected by the end of 2001

a. Members and staff in the Legislative Drafting Centre trained on the intricacies of drafting accurate, consistent and unambiguous legislation through a long-term technical advice based on intensive one-on-one training and drafting exercises, allied with short-term consultancy services in drafting laws in substantive areas and short-term training in specific skills development.

b. Legislative Drafting Centre staff developed sufficient capabilities to prepare legislation at the Parliament's initiative, as well as bills, resolutions, constitutional amendments.

appropriations (budget) documents, agency regulations, international agreements and amendments in accordance with international drafting standards .

- c. Drafting manual to standardise drafting techniques, styles and procedures developed based on international experience.
- d. Database to track requests and laws drafts designed and installed.
- e. The Centre staff is trained in legal research (including computerised legal research on comparative law) analysis.

II. To enhance the effectiveness and efficiency of the parliamentary process and the representative function of the Parliament.

Outputs expected by the end of 2001

A legislative body that is institutionally weak in terms of organisational, human and information resources will be treated as subordinate to the executive branch. Staff must be fully trained in substantive policy and legal issues to accomplish the goal of equality among the branches of government. Although parliaments develop in accordance within their own historical cultures, the staff of the Kazakhstan Parliament will be exposed to the working of foreign parliaments to adapt the organisational and management techniques learned to their own offices. Assistance will focus on strengthening a variety of existing Parliamentary offices with emphasis placed on the committee role and process, policy and legal research and analysis, public hearings, public relations, protocol, constituent relations and relations between government and the two Chambers.

- a. Responsible staff members trained on the importance and process of public hearings and open committee meetings so that during the life of the project a series of hearings and open committee meetings will be held on draft laws, on the agenda of laws for the upcoming Parliamentary session drafted by the government and Parliament, or for informational purposes. At the end of the project, hearings and open meetings will become an institutional tool of the Parliament.
- b. Staff trained to develop professional Department/committee staff devoted to providing objective information, expertise, and effective support to committees and deputies to accomplish the following: the development of effective research and analysis skills regarding substantive legal and policy issues, and the development of a mutual understanding regarding the role of NGOs, citizens and lobbyists in the parliamentary process.
- c. Deputies and staff trained on increasing constituent contacts and responding to constituent concerns through district offices, town hall meetings, and individual constituent group meetings.

d. Staff trained to improve the relationship between parliamentarians and the media and to address such areas as conducting regularly scheduled press conferences; handling media questions effectively; briefing parliamentarians on media relations; writing press releases; and compiling and distributing public informational documents.

e. Staff trained to compile and distribute information to strengthen mass media and constituent relations such as a summary of the parliamentary process (how a draft becomes a law); a directory of parliamentarians (names, telephone numbers, and room numbers); press decorum and privileges; current Parliament activities and questions frequently asked.

f. Staff trained on protocol norms and behaviour in other countries to facilitate a better exchange of ideas and resources including learning best practices of other international institutions on the issues of their organisation and collaboration. (Inter-Parliamentary Assembly of the OSCE, Inter-Parliamentary Union).

III. To upgrade the information gathering and research technology of Parliament.

In addition to increasing the professionalism of committee and legal staff of the Parliament, another way of increasing the stature and developing the autonomy of the Parliament is to increase the resource collection that can be used to assist deputies, staff and committees to make their own decisions on the basis of their own research-based information and independent analysis.

Outputs expected by the end of 2001

a. Trained deputies and staff on a regular basis to develop skills in the most commonly used computer software such as Microsoft Windows, MS Word, MS Excel, Power Point, MS Access in order to track law drafts, laws, votes and to streamline the parliamentary process and procedures.

b. A manual prepared and distributed to each deputy and staff member regarding the database system to track law drafts, laws, votes, other procedures, etc.

c. Network system installed with connection to Internet and e-mail, including a continually updated website to provide information regarding Parliament and its activities to the general public and database to track laws and law drafts to link Parliament electronically to government.

d. Legal resources and materials procured such as CD ROMs of laws from Kazakhstan and foreign jurisdictions, and other necessary programming software packages to develop qualitative and legal knowledge.