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A Functionalist Theory of Oversight

by

Abel Kinyondo¹, Riccardo Pelizzo² and Aminu Umar³

Abstract

The literature on oversight provides various approaches that have been used to measure oversight effectiveness. They include inferring oversight from the quality of governance, equating it with the presence of oversight activities as well as equating it with oversight capacity. However all these approaches are problematic as they wrongly consider oversight to be unidimensional. As a result they tend to produce measures that are too general and vague to provide a meaningful assessment of oversight effectiveness. It is in this context that this paper identifies the structural elements of oversight and goes on to contend that since oversight is a multifaceted activity a more appropriate way to measure its effectiveness must assess how effective an oversight activity is in performing a specific function. We finally argue that parliaments/parliamentarians are more likely to effectively perform their oversight function if they believe their actions will be rewarded by the electorate.

Key words: parliament, oversight, effectiveness and responsiveness

Introduction

The literature on legislative oversight has paid considerable attention to what oversight tools can be employed by a legislature, to the distribution of such tools, to the bite of such tools (Maffio, 2004). It has also explored the relationship between the distribution of such tools and the quality of democracy, the types of democracy, or the level of corruption (Pelizzo and Stapenhurst, 2004).

The work by Maffio made it clear that there is little variation in the distribution of oversight tools across consensus and majoritarian democracies. However, Pelizzo and Stapenhurst (2004) argued instead that variation could be detected if one had changed the focus of analysis. They reported that the oversight capacity (as indicated by the number of oversight tools) of liberal democratic, high income countries with a parliamentary form of government was higher than the capacity recorded in poorer and less democratic polities with either a presidential or a semi-presidential form of government.

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While earlier studies (e.g. Pelizzo and Stapenhurst, 2006) hypothesized that the quality of democracy was a direct consequence of the number of oversight tools at the disposal of a legislature, more recent work has shown that quality of democracy is affected by oversight effectiveness but not by oversight capacity of a legislature (Pelizzo and Stapenhurst, 2012). Scholars, practitioners and organizations devoted to legislative strengthening developed a wide array of responses to the fact that the relationship between capacity and effectiveness had become unstuck. Responses can be categorized into three broad categories. Some organizations, such as the Canadian Parliamentary Centre, went on to devise a new measure of effectiveness (API, African Parliamentary Index) which is supposed to provide a more appropriate and more reliable way of estimating whether and to extent legislatures are effective in performing their oversight tasks. Other organizations such as the National Democratic Institute, went on to devise new ways to relate effectiveness and capacity, while a third group of legislative strengthening practitioners suggested new ways of measuring capacity.

Efforts to find new ways of assessing capacity took two basic forms. Organizations such as the Commonwealth Parliamentary Association devised benchmarks to acquire some more detailed information as to what a legislature could do. Building on the work of several scholars (e.g. Olson and Norton, 1996, Norton and Ahmed, 1999; Wang, 2005). Stapenhurst (2011) argued that it was necessary to go beyond benchmark and indicators of internal oversight capacity to capture a legislature’s oversight capacity. Specifically, he argued that the oversight capacity of a legislature does not refer exclusively to the number of oversight tools at its disposal but also to the external conditions as well as to the facilitating conditions that may favor or hinder parliamentary performance.

Building on this body of work, Pelizzo and Stapenhurst (2012, 2013) suggested that it is necessary to go beyond oversight capacity to understand oversight effectiveness (Pelizzo and Stapenhurst, 2012, 2013).
The purpose of the present paper is precisely that of developing an explanation for oversight effectiveness. In doing so we will identify the structural elements of oversight and characterize oversight as a multi-dimensional process. We will suggest that it performs several functions and that a more appropriate measurement of oversight effectiveness should take into consideration the fact that it is a multi-faceted process. Building on this discussion, we will present a practical application of our multi-dimensional conceptualization and operationalization of oversight and we will show how oversight effectiveness can be more adequately assessed if one considers the multidimensional nature of oversight.

The Framework

In its simplest form, the oversight activity is an activity through which an actor (e.g., agent, institution) that we call overseer oversees another actor (e.g., agent, institution) that we say is overseen. While the process through which the overseer oversees the overseen is called oversight, the converse process through which the overseen body accounts for its choices, actions, and decisions generates what we have defined as accountability.

The structure of oversight is made up of not only of the overseen and the overseer, but also of three additional structural elements: the context within which the overseer and the overseen operate, the culture of the overseer and the overseen, and the communication between them.

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4 The overseer and the overseen are ‘functive’, as per Hjelmslev’s definition (1961).
5 Political scientists have extensively discussed the importance of ‘culture’ in explaining political phenomena. For Lipset (1959) the survival of democracy was in large measure due to whether the elites and the masses had pro-democratic values, that is whether they thought that democracy was the best political regime. For Almond and Verba (1963), the consolidation of democracy had to do with the presence/absence of a civic culture. These authors suggested that countries that were tolerant of diversity, rational, pragmatic, countries that believed in the power of persuasion and moderation, countries where decisions were made with good sense and were accepted in a fairly consensual manner were more likely to be a receptive soil for democratic ideas and culture than those countries where such conditions were not satisfied. While Putnam (1993) suggested that political culture and values are a major determinant of not the major determinant of institutional performance. *something wrong in this sentence? In some instances these authors talked about the importance of culture, in other cases they referred instead to the importance of political culture; in some cases culture (political or otherwise) was a correlate of religion while in other cases it was seen as the product of associational life and trust, but in all cases culture was regarded as something that reflects values and attitudes. We employ the notion of ‘culture’ here with exactly this meaning. We view ‘culture’ of the overseer and the overseen as the values, attitudes,
The context is the set of conditions under which the oversight process occurs. Some of these contextual conditions are institutional as in the case of constitutions, parliamentary rules, standing orders, acts of parliament; some are political and pertain to the allocation and distribution of power both among/across political actors and institutions as well as within political actors and institutions; and some are circumstantial in the sense of being the direct consequence of both independently occurring or man-made circumstances. Furthermore, some conditions are internal to the working or functioning of representative institutions, while some are external to the working of representative institutions and concern the sphere of public opinion, while others are relational in nature for they affect the way, the effectiveness and the efficiency with which society and the state relate to one another—that is how well the elected officials in the representative bodies are able to communicate and explain their intentions, their plans, their policies and, conversely, how well society is able to voice its needs, its concerns and its demands to the elected officials.

The term culture or rather the structural element that we call culture concerns the values (e.g., political, ideological, moral) of the actors. It specifically captures whether the overseer and the overseen have a common, shared understanding of things, problems, challenges and solutions. One of the key outcomes of the oversight process is precisely that of enabling the overseer, that is parliament, to ascertain whether the executive sees eye to eye with the legislature or whether there is a gap between (the position of) the executive and (that of) the legislature.

The term communication concerns one of the most important aspects of the oversight process, namely that oversight ensures accountability through communication. Communication is the instrument through which the overseer (parliament) seeks explanation and information from the dispositions, the perceptual filters through which the overseer and the overseen, parliament and the government, look at issues, identify priorities and conceive policy solutions. The importance of sharing the same values or, which is a different way to say the same thing, sharing the same culture is that a share culture enables the overseen and the overseer to engage in meaningful communication and information exchange. While misunderstandings may arise for a variety of reason, one of the most common reasons why messages may be misunderstood is that the actors may not have the same conceptual tools for codifying and/or de-codifying the exchanged messages. These conceptual tools, that we define as ‘culture’, is what semioticians define as ‘code’. Further details on the theory of codes can be found in Eco (1976).
overseen (government) and through which the overseen describes, explains and ultimately accounts for its actions and decisions to the overseer.

The oversight process performs a variety of functions depending on which structural element the emphasis is placed.6

When the emphasis of the oversight process is on the overseer, the oversight process performs legitimacy or legitimizing function. The overseer, the legislature in our case, by performing its oversight task and activities, it enhances its legitimacy in the eyes of the electorate.

When the emphasis of the oversight process is on the overseen that is on the government or on the activities performed by the government, the oversight process performs eminently a coercive function. By performing this oversight task, the legislature, is attempting to coerce or force the government—to provide information, to offer an explanation, to change its course of action or to adopt a specific course of action.

When the emphasis of the oversight process is on communication or on the communication flow, the oversight process performs an informative function—thanks to which the legislature informs the executive of its preferences and the executive manifests its policy stances and preferences to the legislature.

When the emphasis of the oversight process is on the cultural dimension, the overseer and the overseen, are not simply attempting to ascertain whether they still have the same values and principles, but they are also and more importantly attempting to establish whether there is room for adjustments, reformulations, and negotiations. In the absence of this, any form of communication between the overseer and the overseen will inevitably lead to constant misrepresentation, misinterpretation and misunderstanding of each other’s position. Consequently, when the emphasis

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6 A similar point was made by Jacobson (1960) when he observed that a message may perform several function. According to Roman Jacobson (1960) communication occurs under very specific conditions: a specific source, a receiver, a channel, a code, a message and a context. Depending on whether the emphasis is on the source, the receiver, the channel, the code, the message and the context, the communication performs an emotive, a conative, a phatic, a metalinguistic, a poetic or a referential function. For a more complex version of the model, see Eco (1968, 1976).
of the oversight activity is on the cultural dimension, which concerns the possibility of negotiation between the overseer and the overseen, the oversight process performs a ‘negotiation’ function.

Finally when the emphasis of the oversight process is on (one of the aspects of) the context, the oversight process performs a linkage function between society and the state, between the masses and the political elite, between the electors and the elected. This linkage function can be performed both in a bottom-up and in a top-down direction.\(^7\)

The fact that oversight, oversight activity or the oversight process are intended to serve five different purposes or functions, has a simple implication, that is in order to properly appreciate, assess and evaluate the effectiveness with which oversight activities are performed, one should not ask whether oversight is effective in general as simple metrics seem to assume but rather one should ask whether oversight is effective in performing a specific function. In other words, one should ask whether oversight process is effective in enhancing the legitimacy of the overseer (legislature), in coercing the executive to change its course of action or to explain its action, in ensuring that the overseer (legislature) is properly informed, in securing and improving the conditions for inter-institutional negotiation, or in signaling to the population that the overseer is aware of the population’s concerns and is taking active steps to address them.

**Measuring Oversight Effectiveness**

\(^7\) The expression “linkage function” is a loaded one among political scientists in general and among party politics specialists in particular. According to European constitutional lawyers parties are associations of private citizens, but they’re a particular type of private associations because they perform a public function. The public function that parties perform consists in bridging the gap between the citizens and the state—this is why parties are said to perform a linkage function. They do so by expressing voters’ demands, aggregating voters’ demands, elaborating coherent political platforms and programs, selecting political personnel for public office, contributing to the organization of suffrage, running in the election, and governing in case of electoral victory. Some scholars have lamented that one of the detrimental consequences of the cartelization of political parties was that parties went from meaningfully performing their linkage function to performing it in a rather meaningless fashion. In the course of the present study we employ the notion of linkage function to denote the function performed by the oversight process when parliament, by overseeing the executive, gives voice to voter demands and brings them to the attention of the executive.
In the study of legislative oversight, some scholars and practitioners have focused on legislative oversight in general, on its impact on the quality of democracy, and on its impact on the level of good governance. They have also focused on the oversight of specific ministries, portfolios, and policy areas.³

Scholars have been also generally concerned with measuring the effectiveness with which a legislature performs its oversight activity and several solutions have been devised in order to measure or quantify oversight effectiveness.

Before we discuss what previous studies have done and before we suggest what may be a better way of measuring oversight effectiveness, we need to clarify what are the boundaries of our investigation and define, subordinately, the field of our inquiry.

Political scientists have discussed the tools of legislative oversight, the areas that can be subjected to legislative oversight, specific areas of legislative oversight, and the conditions under which legislative oversight is most likely to be effective, but they have been remarkably less confident as to how oversight effectiveness can be measured (see Rockman, 1984).

Some scholars have suggested that oversight effectiveness cannot possibly be measured. Others have noted that the effectiveness of the oversight activity can be inferred from the quality of governance and democracy. Yet some of the scholars have equated oversight effectiveness with oversight activity. Finally, another line of research has suggested that the effectiveness of the oversight activity is a direct consequence of a legislative oversight capacity so that once we measure the latter we get a fairly precise measure of the former. Those who believe that oversight effectiveness is a consequence of oversight capacity, can be divided into those who believe that oversight capacity refers to the number of oversight tools available to a legislature (Pelizzo and Stapenhurst, 2004), those who believe that oversight capacity refers to both oversight tools and external contextual conditions (Olson and Norton, 1996; Norton and Ahmed, 1999; Wang, 2005; Previous studies (Pelizzo and Stapenhurst, 2012) have analyzed the relationship between oversight capacity, oversight effectiveness, quality of democracy and level of corruption—an analysis that revealed that while effective oversight is a major determinant of both the democratic quality and of the absence of corruption, oversight capacity has little impact not only on democratic quality or level of corruption, but also on oversight effectiveness.
Stapenhurst, 2011), and those who believe that capacity refers to the ability to use tools and is a function of human, financial, and technical resources (Ebo and N’Diaye, 2008).

Scholars that adopt the first view (oversight effectiveness cannot possibly be measured) argue that the impossibility of measuring oversight effectiveness results from the fact that effective legislature deter government from engaging in specific practices and activities. It follows from this logic that since we cannot measure what does not actually take place, we cannot have a precise estimate of whether and to what extent legislatures are effective overseers and/or of how effective oversight actually is.

On the other hand, scholars operating within the second framework (oversight effectiveness can be inferred) agree on the fact that oversight effectiveness is intangible, invisible and directly unmeasurable but they also contend that it can be inferred from policy outcomes with which oversight effectiveness is believed to be associated with. Specifically, they argue that since oversight effectiveness is believed to be a key element of any system of accountability and in turn since accountability is believed to be a key determinant of the quality of democracy and/or of the level of good governance, the level of either quality of democracy or good governance provides the best indication of whether and to what extent oversight is effective or not.

Scholars operating in the third paradigm (oversight effectiveness reflects oversight activity) argue that what would be an otherwise invisible and un-measurable quality (effectiveness) can be inferred from an easily measurable quantity (amount of oversight activity performed). This argument rests on two assumptions, namely that effectiveness is in itself un-measurable and that there cannot be any oversight effectiveness in the absence of any oversight activity.

Finally, scholars, practitioners and international organizations have generally held the fourth view that is they have generally considered oversight effectiveness as a function of oversight capacity (e.g., tools available, mandate, resources).

Note that each of these four positions has some value, either in practical or theoretical terms. Let us address the theoretical merits first. The fourth position reminds us that parliaments need tools
and capacity to perform their tasks and that it would be misleading to equate effectiveness with activity and quality with quantity. The third position reminds us that, no matter what is the capacity of a legislature, if such capacity is never put to any use, it will not deliver the expected results. The second position is valuable for it reminds us that in the end the reason why the international community (and scholars) care about legislative oversight, is not because legislative oversight and oversight effectiveness to be more precise are fetish that have to be worshipped in and for themselves, but because it is only through the effective performance of oversight that the constitutional order, the balance of power between political institution, the institutional structure of democratic governance can be protected, preserved and enhanced. Paradoxically, even the first approach has some merit as it forces one to consider or reconsider how widely one wants to conceptualize oversight and hence define oversight effectiveness.

These four positions have also some obvious practical merits. The first and the second position warn us against engaging in what it regards as a fruitless exercise in order to focus on what matters and can be measured. The third position invites us to measure the volume of oversight activity, and the fourth tells us to measure oversight capacity. Thus each of these positions provides one with a clear and fairly straightforward behavioral guidance.

Note however that in spite of all their merits, each of these four positions is somewhat problematic. The fourth position neglects the fact that if an overseer has some oversight capacity does not mean that it will use it. The third position neglects the fact that while the use of oversight tools and mechanisms is a necessary condition for effective use of the oversight tools and therefore effectiveness, the use of oversight tools or capacity is by itself insufficient condition for oversight effectiveness as the use of oversight tools (oversight activity), could either be effective or ineffective. Meaning it is only when the oversight capacity is put to effective use that oversight is effective.

The second approach is also problematic because while there may be very little doubt about the fact that the quality of democracy or the level of corruption may be affected by the effectiveness
with which the oversight activities are performed, the quality of democracy may reflect conditions other than oversight effectiveness. The implication is that given the multiplicity of conditions that may affect the quality of democracy or the level of good governance or the level of corruption, the quality of democracy, the quality of governance and the level of corruption may remain the same because improvements in oversight effectiveness may be counterbalanced by a worsening in the level of participation or in the level of representation. Alternatively, the quality of democracy may improve while the effectiveness remain constant or worsens, because the detrimental effect that an increasingly ineffective oversight process has on the functioning of the political system is counterbalanced by improvements in the rule of law, vertical accountability and other dimension of democracy. Hence, inferring the effectiveness of oversight from changes in the level of democratic quality may be greatly misleading.

The first approach is also quite problematic because it rejects a priori the meaningfulness of any effort of measuring oversight effectiveness. It represents a rather naïve form of positivism as it assumes that explanation ultimately results from the identification of causal relations between variables, that the identification of causal relations requires observation and that since the consequences of effective oversight are sometimes unseen, it is impossible to assess oversight effectiveness in a meaningful way. This approach is highly problematic in several respects, as we are about to show. First of all, this approach is problematic for it has a rather narrow understanding of what explanation is. Epistemologists and philosophers define the term ‘explanation’ in six different ways. Firstly, the Galileian-Newtonian tradition of ‘explanation’ refers to ‘making inferences from laws and theories’, in a second tradition ‘explanation’ refers to the ‘identification of the causes’. In the pre-Galileian tradition ‘explanation’ referred to the ‘individuation of essences’. In the realm of social-scientific inquiry ‘explanation’ refers the ‘reconstruction of a genealogy’, and finally, ‘explanation could refer to the ‘identification of a function’. While modern scientists,

9 In other words, oversight effectiveness is a necessary but not a sufficient condition for democratic quality or level of corruption.
modern social scientists, and modern epistemologists no longer regard some of these forms of ‘scientific explanation’ as being properly ‘scientific’—this is the case of ‘essentialist mode of explanation’ that treats explanation as individuation of essences, there is little question about the fact that the notion of ‘explanation’ is associated with a variety of meanings. And the ‘causal explanation’, that seems to characterize the first approach, represents only one of the various forms of explanations. The second reason why this approach is problematic is that it holds the view that explanation means identification of causal relations and that identification of such causes depends on observation. Leaving aside the fact that this view is rather naïve, and rather inconsistent with how several sciences actually developed, it is also quite problematic for its simplistic, mechanistic, understanding of causal relations. Basically this position holds that a cause should generate an effect in the sense that a stimulus should generate (a visible, detectable) response.

This position further assumes that if there is no detectable response, it is impossible to identify the causal relationship and provide any kind of explanation. The proponents of this first approach also believe that since the effects of oversight, however effective it may be, cannot be seen or detected, it is impossible to assess oversight effectiveness. If the government does not respond by providing information or by changing its policies, it is not possible to assess the effectiveness of oversight. This position is untenable for two different, albeit related, reasons. The first is that this view has a rather naïve understanding of what a response to a stimulus is or may be. In other words, this approach is unable to appreciate the fact that the absence of a visible/detectable response is also a response. When an oversight activity, a parliamentary question, leaves the government speechless it amounts to a very effective act of oversight. In fact, the government speechlessness can be read as an admission of guilt, incompetence, defeat or all of the above. It also can be used by the legislature or the opposition in parliament to win popular support. The government speechlessness testifies to a clear redefinition in the executive-legislative relations. It

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While for the modern the notion of ‘causality’ is rather clear as it is associated with a single meaning, we should not forget that this has not always been the case. Aristotle, for instance, was very clear about the fact that there are various forms of causality: material, formal, efficient and final.
could indicate that the government is out of touch with the needs, the demands, and the concerns of the country. It may signal that the government may have to reconsider the nature of its relationship with parliament. Admitting guilt, losing power (symbolically or materially) relative to the other branch, being blamed and shamed, losing popular support are all very significant political outcomes. And in so far as effectiveness consists precisely in producing significant outcomes, an oversight activity that forces the executive to admit guilt, lose relative power, lose face and popular support is a very effective one.

The second problem of this approach is that in addition to being unable to appreciate the fact that a non-response to a stimulus may be nonetheless a meaningful response, it has a very narrow understanding of what a proper response to the stimulus may be and hence unable to appreciate all the other responses that a stimulus may generate. To be more specific and to build on what we said before, the oversight process performs a variety of functions and the fact that it may fail to generate results in some respects should not prevent one from appreciating that it may generate some results in some other, and possibly more important, respects—a point that will be discussed at greater length later on.

In addition to the problems that are peculiar to each of these four approaches, they all share two common problems. First of all, regardless of whether they believe that oversight effectiveness is detectable or not, they all seem to conceive it as a unidimensional entity. They seem to be unable to grasp the fact that while a specific oversight activity may be ineffective in unsettling the government, in forcing the government to disclose information or in explaining its actions, it may be very effective in signaling parliament’s awareness of voter concerns, in legitimizing the legislature, in testing whether or rather to what extent the executive and the legislature have a common set of shared values or no. The idea, implicit in each of the four approaches discussed above, that legislative oversight and oversight effectiveness are unidimensional and monolithic phenomena prevents the analyst from appreciating not only the fact that the oversight process and its effectiveness are multi-faceted, complex, multidimensional, but also and more importantly that
while oversight may be effective in performing some functions (informative, linkage,...) and significantly less effective in performing others (coercive,...).

The second problem of the above mentioned approaches is that while they attempt to provide an answer to what is oversight effectiveness and how it can be measured, they have very little to say as to why oversight may be effective.

The first approach, that denies even the possibility of detecting whether oversight is performed effectively, has very little to say as to why oversight may or may not be performed effectively. The second approach admits the theoretical possibility of inferring a posteriori the level of oversight effectiveness and to attribute variation in effectiveness to some empirical conditions, but as we have noted above this approach may lead to wrong conclusions and fail to detect oversight effectiveness when it exists or, worse, to detect it when it does not. Given the problems that the second approach has in identifying or recognizing oversight effectiveness, it could generate highly inaccurate conclusions as to why oversight is effective or not. The third and the fourth approach are both reductionist, as they both reduce oversight effectiveness to something else—oversight capacity in one case and oversight activity in the other. The fourth approach posits that oversight effectiveness is a function of capacity. Cross-country analyses have shown that the relationship between capacity and effectiveness is weak and rather insignificant. This implies that legislatures with greater oversight capacity may not necessarily be more effective overseers than those which are less generously equipped. Moreover, even if we were to assume that oversight capacity explains cross-country variation which it does not, this approach could not explain why a legislature with the same capacity at its disposal is at times more effective and at times less so.

Of the four approaches, the third one is the most interesting and the one that seems to be closer to being a proper scientific explanation. It posits that oversight is effective when it is performed and it is not if otherwise. We noted that such an approach overlooks the possibility that oversight may be performed ineffectively. It overlooks the fact that sometimes Members of Parliament (MPs) ask
parliamentary questions for reasons that have little to do with effectively overseeing the actions of the government. For example, in some instances a MP may ask a question to show her commitment to a sector or pressure group, to get some visibility, to build up her résumé, to give the government the opportunity to showcase its achievements and so on. Since parliamentary questions may be asked for any such reasons, the amount or number of parliamentary questions asked fail to provide any meaningful indication of oversight effectiveness.

This is why we noted above that the position associated with third approach should be modified and should argue instead that oversight capacity when effectively used is responsible for oversight effectiveness. However, once we amend the view expressed by the third approach, the argument becomes a logical tautology as it basically ends up saying that oversight is effective when it is effective. Such a statement is logically valid, but it is not terribly informative, as it adds little to what we know and it says even less as to why oversight is effective in some instances but not in others.

The third approach, as we have just stated, does not provide a compelling explanation for oversight effectiveness, but it provides an indication of where an answer could be found. By suggesting the idea that oversight tools or capacity have to be used in order to be used effectively, the third approach introduced a voluntaristic element that was overlooked by all the other approaches. That is oversight is performed effectively when the overseers have an interest in effectively overseeing the actions of the executive.

We can reformulate this proposition in a more cogent form. Since we know that the oversight process can perform a plurality of functions (coercive, negotiational, informative, legitimacy, and linkage), we can say that a legislature effectively engages in an oversight activity,

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11 In their exploration of what is responsible for the effectiveness of the oversight process, Pelizzo and Stapenhurst (2012) suggested that political will is an essential pre-requisite for translating or transforming oversight capacity into oversight effectiveness. In that work, the two authors repeatedly underlined that oversight capacity and oversight effectiveness are not the same thing and repeatedly pointed out that while oversight capacity was measured on the basis of oversight tools at the disposal of the legislature, oversight effectiveness was measured on the basis of a variable included in the Polity IV dataset—a variable that tracks whether and to extent the executive’s actions are subject to some constraints.
when it has the reasonable expectation of deriving a benefit (material, symbolic or otherwise) from one or more of the functions that the oversight process can perform.

Parliament or rather MPs engage in effective oversight when they expect to derive a benefit from performing such an activity. But having said that political will is the major determinant of oversight effectiveness and that oversight performs a plurality of functions, how can we measure the effectiveness of oversight?

From what we have been saying in this section, it should be clear that it is inappropriate to speak of oversight effectiveness *tout court* or to attempt to measure with a single metric the effectiveness with which a legislature performs its oversight task. What should be asked instead is, how effective parliament as overseer is in performing the coercive, negotiational, informative, legitimacy and linkage functions. In other words, we should ask whether and to what extent parliament has been able to:

1. compel the executive to do something (from providing information to changing course of action);
2. redefine the terms (e.g., values, conditions, assumptions, understandings) of the executive-legislative relations;
3. ensure an effective communication flow with the government and be adequately informed;
4. increase its level of legitimacy;
5. ensure that citizens’ and country’s priorities are properly aligned

Depending on how these functional dimensions are operationalized, we may have two different ways for assessing the effectiveness with which the oversight process performs its various functions.

The first, and simpler, way to operationalize these variables consists in creating five dichotomous variables, that are turned on/off (1, 0) depending on whether the parliament succeeded
or not in compelling the executive to do something, in re-bargaining the terms of their agreement, in ensuring a better information flow, in gaining legitimacy and linking state and society.

The alternative consists in assessing not only whether parliament is able through its oversight activity to achieve some results, but also in assessing the extent to which parliament is able to achieve such results. This could be measured either on the basis of ordinal scales or continuous variables or a combination of both—see table 1 below.

Table 1. Assessing the effectiveness of the oversight process in performing five functions.

<table>
<thead>
<tr>
<th>Functions/Indicators</th>
<th>Coercive function</th>
<th>Cultural function</th>
<th>Informative function</th>
<th>Legitimizing function</th>
<th>Linkage function</th>
</tr>
</thead>
<tbody>
<tr>
<td>Definitions</td>
<td>Compelling the executive to respond or to change course of action</td>
<td>Redefining the terms of engagement</td>
<td>Ensuring effective communication flow</td>
<td>Increasing legitimacy</td>
<td>Converge of voters’ and country’s priorities</td>
</tr>
<tr>
<td>Dichotomous variable</td>
<td>0 = no 1 = yes</td>
<td>0 = no 1 = yes</td>
<td>0 = no 1 = yes</td>
<td>0 = no 1 = yes</td>
<td>0 = no 1 = yes</td>
</tr>
<tr>
<td>Ordinal scale</td>
<td>0 = never 1 = rarely 2 = often 3 = always</td>
<td>0 = never 1 = rarely 2 = often 3 = always</td>
<td>0 = never 1 = rarely 2 = often 3 = always</td>
<td>0 = never 1 = rarely 2 = often 3 = always</td>
<td></td>
</tr>
<tr>
<td>Continuous variable</td>
<td>Frequency with which the government changes course of action in response to parliament’s oversight function</td>
<td>Expert judgment on whether the oversight process preserved the status quo, increased the legislative’s absolute powers, or increased the legislative relative powers</td>
<td>Evidence of whether or how frequently the government improves the quality of information it provides in response to parliament’s oversight activities</td>
<td>Percentage of voters reporting to have a great deal or some confidence in parliament</td>
<td>Difference between voters’ and country’s perceived priorities</td>
</tr>
</tbody>
</table>

In the course of the next section we will discuss how a sample of legislatures perform by adopting a variety of the indicators discussed in Table 1.

Testing the framework

In a paper on Public Accounts Committees (PACs) in the Commonwealth, Pelizzo (2011) provided information on the structural characteristic of PACs in the Commonwealth, on the number of
meetings held, on the number of reports produced, and on the frequency with which certain policy outcomes were achieved as a result of the oversight activities performed by the PACs.

Since PACs are the preeminent oversight committees in the Commonwealth, the evidence provided by Pelizzo (2011), can be used to assess the extent to which legislative or parliamentary oversight is effective and successful in performing the coercive and the informative function. The confidence in parliament can be measured by computing the percentage of respondents who report to have a great deal or some confidence in parliament—a question that has regularly been asked in each of the six waves of the World Value Survey. The survey data on confidence in parliament made available by the World Value Survey are used to assess the extent to which parliaments are able to perform a legitimizing function and to affect citizen trust in the legislative branch. World Value Survey has also consistently asked respondents to indicate what they believe is the country’s first priority and to indicate what is their first priority.

Finally, we use the variable xconst, from the Polity IV database compiled by the Center for Systemic Peace, to assess whether and to what extent the balance of power between the executive and the legislative branch of government is affected by the performance of oversight activities. This evidence provides an indication of the successfulness of the negotiational function associated with the legislative oversight. In the course of this analysis we will focus on five countries from Sub-Saharan Africa: Ghana, Nigeria, South Africa, Tanzania and Zambia.

Data and data sources

With regard to the coercive function, the data presented by Pelizzo (2011) made it clear that there is some variation in how successful legislatures are in compelling the executive to change course of action in response to the oversight activities that they conduct. In fact, while respondents indicated that in South Africa the government frequently implements changes in the light of PAC reports and recommendations, PAC recommendations are seldom implemented by the government in Ghana, Nigeria, Tanzania and Zambia. See Table 2. We can use these data to create a 3-point scale such that 0 means never, 1 means seldom and 2 means frequently.
Table 2. Frequency with which

<table>
<thead>
<tr>
<th>Country</th>
<th>How frequently the government implements PAC recommendation</th>
<th>How frequently the government improve the integrity of the information it provides</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ghana</td>
<td>Seldom</td>
<td>Never</td>
</tr>
<tr>
<td>Nigeria</td>
<td>Seldom</td>
<td>Seldom</td>
</tr>
<tr>
<td>South Africa</td>
<td>Frequently</td>
<td>Frequently</td>
</tr>
<tr>
<td>Tanzania</td>
<td>Seldom</td>
<td>Seldom</td>
</tr>
<tr>
<td>Zambia</td>
<td>Seldom</td>
<td>Frequently</td>
</tr>
</tbody>
</table>

With regard to the negotiational function, the data for the 1997-2002 period indicated that there was considerable variation in parliaments’ ability to constrain the power of the executive. In Nigeria in 1997 the executive authority was virtually unlimited, while in South Africa the executive power did not exceed the power of the legislature. More importantly however, the data reveal that while the balance of power remained unchanged in the period under study in three of the countries included in our sample (South Africa, Tanzania and Zambia), the legislature was able to reassert its prerogatives, to subject the executive branch of the government to effective constraints, to expand its power—thus increasing its negotiational function. See Table 3. For each country, we compute the average score for the period under consideration and we will use the variable so computed for our empirical analyses.

Table 3. Executive constraints

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ghana</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Nigeria</td>
<td>1</td>
<td>*</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>South Africa</td>
<td>7</td>
<td>7</td>
<td>7</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Tanzania</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Zambia</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
</tbody>
</table>

With regard to the informative function, the data at our disposal show that there is considerable variation in the extent to which the integrity of information provided by the executive improves in response to the oversight function and activities performed by the legislature. The data show that the integrity of government information improved frequently in South Africa and Zambia, it seldom improved in Nigeria and Tanzania, while it never improved in Ghana. See Table 2. We
can use these data to create a 3-point scale such that 0 means never, 1 means seldom and 2 means frequently.

With regard to the legitimizing function, the World Value Survey asked respondents to indicate how much confidence they had in their legislatures. In the course of the last four waves (1995-1998, 1999-2004, 2005-2009, 2010-2014) the question concerning the level of confidence in the legislature was asked three times in South Africa (1995-1998, 1999-2004, 2005-2009), twice in Nigeria (1999-2004, 2010-2014) and Ghana (2005-2009, 2010-2014), and only once in Tanzania (1999-2004) and Zambia (2005-2009). The confidence in parliament varied from a minimum of 39 per cent in Zambia (2005-2009) to a maximum of 75.5 per cent in Tanzania (1999-2004). We operationalize the legitimacy variable by computing the mean score for countries for which we have more than one observation, while we only use one data point for countries in which only one survey was conducted.

Finally, the World Values Survey asked respondents to indicate their top and their country’s top priority. The linkage function is operationalized by calculating the absolute difference between the percentage of voters identifying a certain outcome as their top priority and the percentage of voters indicating that the same outcome is the country’s top priority. Since in each of the surveys, voters were asked to indicate whether ‘ensuring that people have more say about how things are done’, we compute the difference between the percentage of voters who regard ‘ensuring more say’ as their top priority and the percentage of voters who view ‘ensuring more say’ as the country’s first priority (See Table 4).

<table>
<thead>
<tr>
<th>Wave 4</th>
<th>Wave 5</th>
<th>Wave 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ghana</td>
<td>11.4</td>
<td>13.6</td>
</tr>
<tr>
<td>Nigeria</td>
<td>13.9</td>
<td>20.9</td>
</tr>
<tr>
<td>South Africa</td>
<td>21.5</td>
<td>20.6</td>
</tr>
<tr>
<td>Tanzania</td>
<td>4.4</td>
<td>10.7</td>
</tr>
<tr>
<td>Zambia</td>
<td>16.7</td>
<td>27.7</td>
</tr>
</tbody>
</table>

Table 4. Percentage of voters regarding ‘ensuring more say’ as their and their country’s first priority
If we average the difference in the percentage of voters identifying ‘ensuring more say’ as their first priority and the percentage of voters viewing ‘ensuring more say’ as the country’s top priority, we find that on average the difference was of 11 points in Zambia, 10.15 points in Nigeria, 6.3 points in Tanzania, 1.6 points in Ghana and 1 point in South Africa.

**Analyzing the data**

The analysis of the data suggests three basic conclusions. The first is that some parliaments are more effective overseers than other. For instance by engaging in oversight activities, the South African parliament is frequently able to alter the course of government action and to extract better information, is the most effective in constraining executive power and hold it accountable, is highly legitimate and highly attuned to society. Because of its success in performing the coercive, informative, cultural, legitimizing and linkage function the South African parliament should be considered the most effective overseer in our sample.

Figure 1. Performance of the coercive function

![Figure 1. Performance of the coercive function](image1.png)

Figure 2. Performance of the cultural function

![Figure 2. Performance of the cultural function](image2.png)
Figure 3. Performance of the informative function

Figure 4. Performance of the legitimizing function
The second conclusion is that, except for South Africa where all the good things go together, a parliament’s ability to perform one of the functions associated with oversight does not provide any indication of its ability to perform any of the other functions associated with oversight. For instance, while the parliament of Ghana enjoys a considerable level of legitimacy and performs exceptionally well the linkage function, it is the least effective in performing the informative function. Furthermore, while the Parliament of Tanzania performs exceptionally well in terms of the legitimizing function, it is not equally successful in performing the coercive, the informative and the linkage function, while it is the worst performer in our sample with regard to the cultural function. Finally, while Zambia is the best performing parliament in terms of the informative function, it is the worst performing in terms of its ability to perform the linkage function. This conclusion is corroborated by the fact that when we correlate parliaments’ performance in each of these respects, none of the correlation coefficients is statistically significant.

The third conclusion is that precisely because a parliament’s ability to perform one of the functions associated with oversight provides no indication of whether and how well it performs any of the other functions associated with it, it is clear that any metrics that overlooks the
multidimensional nature of oversight does not provide an accurate assessment of how effective a parliament’s oversight performance actually is.

**Conclusion**

In the course of the past decade, there has been a renewed interest in the study of oversight. Country specialists have conducted extensive analyses of the conditions under which parliaments are more or less likely to engage in effective oversight. Methodologically inclined scholars and practitioners have attempted to devise new ways in which oversight capacity, activity and effectiveness could be measured. Initial efforts to treat oversight capacity as a proxy for oversight effectiveness have shown their theoretical limitations and the literature has attempted to devise new solutions for measuring oversight capacity, oversight effectiveness and the nature of their relationship.

Building on the insight of classic studies in functionalism, we argued that the oversight function can perform various functions (coercive, cultural, informative, legitimizing and linkage), that a parliaments’ performance in one respect is not necessarily related to its performance in another respect, and that it is necessary to develop a multidimensional framework for properly assessing the effectiveness with which the oversight function is exercised.

The purpose of the present paper was precisely that of presenting such a multidimensional framework. The oversight function can be performed to alter the government’s course of action, to alter the balance between the executive and the legislative power, to get better information from the government, to increase the legitimacy of the legislature and to reduce the gap between the perceived position of elective bodies and the position of the electorate. By analyzing the data from five African countries we have been able to show not only that some parliaments, such as the South African one, are more effective overseers than others but also and more importantly that the effectiveness with which one of the functions associated with oversight has no bearing as to how effectively other functions are performed. We believe that this evidence supports our claim that in
order to more adequately understanding oversight effectiveness a multidimensional approach is
more appropriate than the unidimensional ones adopted in previous studies.

Bibliography


