LEGISLATIVE OVERSIGHT OF EMERGENCY RESPONSES

Experiences during the coronavirus (COVID-19) pandemic

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The pandemic brought challenges to oversight

Budget oversight thrives when legislatures and committees are given opportunities to engage in the established routines of the budget cycle.

2020 has been anything but routine.

The pandemic challenged oversight on two fronts:

1. It threatened the practical ability of legislatures to sit.
2. It pressured governments to enact policy quickly.
It disrupted sittings

Legislative sessions were halted and legislatures had to adapt to remote working and safety precautions:

<table>
<thead>
<tr>
<th>Measure</th>
<th>Number of OECD legislatures</th>
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<tbody>
<tr>
<td>Remote committees</td>
<td>27</td>
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<tr>
<td>Attendance caps</td>
<td>14</td>
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<td>Remote plenary</td>
<td>12</td>
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<td>Remote voting</td>
<td>9</td>
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<td>Pairing</td>
<td>5</td>
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<td>Proxy voting</td>
<td>4</td>
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<tr>
<td>Reduced quorum</td>
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Number of OECD legislatures that introduced measure shown in blue.
Governments had to respond quickly to support public health and the welfare of households and businesses.

Governments asked legislatures to grant them the flexibility to respond quickly by expediting, changing or setting aside established budget routines.

Many compromised to allow fast action while maintaining some oversight, or at least putting in place mechanisms to do so once urgency subsided.
Fast action with existing tools

- Reallocations across budget programmes
- Supplementary budgets
- Provisions to suspend fiscal rules
- Contingency reserves and rainy-day funds
Fast action by **empowering the executive**

- Declaring states of emergency
- Issuing decrees by heads of state
- Empowering cabinet or individual ministers with emergency expenditure and law-making authority
Fast action with improvised budget procedures

- Invoking fast-tracked approval procedures
- Limiting the role of upper chambers
- Relying on emergency advances and retroactive funding approval
- Leveraging loans and guarantees
- Using extra-budgetary entities and external grants
- Limiting explanatory budget statements and other fiscal planning information
Fast action by minimising civil society input in policy formation

Many parliaments pushed for more financial assistance to civil societies

• E.g. the Dutch Parliament amended a bill to give more aid to foodbanks.

But: the role of civil societies in policy formation was set aside

• Emergency bills were negotiated in back rooms, expertise and views excluded from decisions initially.

Some exceptions:

• Poland (extensive talks with representative of community groups worst affected guided several dozen bills). UK heard evidence on its Domestic Abuse Bill from the Step Up Migrant Women Coalition.

Does sidelining consultation save time?

• Consultation can identify gaps in services, boost take-up of benefits, find alternative faster delivery mechanisms.
Solutions to maintain oversight

• Set financial limits on emergency spending
• Required sunset clauses and contingent renewal mechanisms
• Required additional monitoring and reporting
• Cross-party COVID-19 committees

One in four OECD legislatures established a special COVID-19 committee
Support of Independent Fiscal Institutions (IFIs)

Independent fiscal institutions pushed for transparency and accountability in emergency responses:

- Providing economic and fiscal forecasts and scenario analysis when governments were reluctant to do so
- Providing impartial assessments of fiscal space to respond to the crisis and opinions on setting aside fiscal rules
- Drawing attention to over-reach relating to extraordinary executive powers
In many instances, the solutions were influential.

Across the OECD, there are examples where legislatures exerted influence over emergency responses:

- By tempering proposals for broad executive powers for long periods
- By ensuring marginalised groups were represented
- By ensuring sufficient information would be available so that the public could judge the government’s responses and hold it to account
Oversight as countries recover: key issues

• Ensure that financial reporting and other oversight information is reinstated

• Re-examine emergency measures for effectiveness, technical errors, and unintended consequences

• Bring back feedback and consultation in designing recovery programmes, including with civil societies
Bring back engagement with civil societies during the recovery program.

The crisis is a chance to modernize how legislatures engage stakeholders like civil societies.

Parliaments have been slow to adopt digital tools to reach wider groups.

That is changing (finally).