

## *Unit 1: What Do Parliaments Do?*

### Learning Objectives What Do Parliaments Do?

After studying this unit, you should be able to:

- Understand and describe the representation roles of parliaments and parliamentarians;
- Describe the representation features of your own parliament;
- Understand and describe the lawmaking and budget making roles of parliaments, including your own;
- Understand and describe the role of parliaments in conducting oversight of the executive branch;
- Describe how oversight is conducted in your own parliament, and be ready to suggest some ways it might be done more effectively.

### *Representation*

Throughout the world citizens tend to identify with parliament members in more personal ways than they do other public officials. Constituents talk of “my MP”, “my congressperson”, “my senator”, “my deputy”, or “my representative.” One does not often hear people speak of “my president”, “my judge”, or “my bureaucrat.” Unlike chief executives, who represent entire nations, or bureaucrats and judges, whose responsibility it is to carry out and interpret the law impartially toward all citizens, legislators are responsible for representing the differences in society, and for bringing those differences into the policy-making arena. These differences may be rooted in geography, ethnicity, religion, political identification, gender, or other characteristics, but MPs are expected to represent them at the national level.

Representation involves more than simply living in a specific area in the country, or having characteristics in common with those one represents (e.g., political beliefs, religion, gender,). It involves listening to constituents and groups and making decisions and exercising influence on their behalf. Political scientist Nelson Polsby calls parliaments the “nerve endings” of the polity (Polsby 1975). They are the

branch of government closest to people, and MPs, and more than any other officials at the national level, they need to be aware of the needs of constituents, and are expected to respond to those needs.

Transparency is important to representation. Democratic parliaments are the most transparent and accessible of the three branches of government. Most parliaments open their plenary sessions to the public and to the press, and a growing number allow citizens to attend committee meetings. South Africa's parliament even publishes committee schedules on the Internet, as do several others. Daily news reports cover events in parliament, and an increasing number of parliaments televise their plenary sessions giving citizens the opportunity to view their parliament in action. The Congress of Peru makes its internal budget, progress on spending, salary scales, vendor contracts, and an evaluation of the impact of its budget available to the world via the Internet.

Not only are parliaments more open and accessible than other government branches, MPs themselves are more accessible. In many systems, the legislature's representation function involves constituent services, (i.e., helping citizens cut through government bureaucracies to receive their benefits, assisting with special problems), and accessing government funds for projects to benefit the constituency, such as bridges, clinics, water systems, schools, etc. Parliamentarians become well known and help ensure their re-election by providing such services.

### **Concepts of representation**

What do we mean when we say that parliamentarians "represent" citizens? The concept of representation has shifted over time, and even now is in flux. The classic representation dichotomy contrasts legislators as delegates – where legislators mirror or transmit constituency attitudes and preferences, with legislators as trustees – where the legislators themselves determine what is in their constituent's best interests. Legislators acting as trustees consider themselves selected because of their special abilities, and see their job as adapting their constituents' needs into the national welfare.

The “delegate – trustee” dichotomy, however, does not really apply to those parliaments where party discipline is high, and where members never – or almost never – dare vote against the dictates of their party. In the responsible party model, parties put forward alternative platforms to the electorate, and citizens indicate their preferences by electing one party over another. Proponents of this model argue that since voters vote for a party and a platform, party members are obliged to support that platform. In parliamentary systems, the government’s survival depends upon the votes of governing party members, and in presidential systems party cohesion and assurance of votes from party members enables parties to get their programs through the legislature.

Critics of this model contend that no party platform can be specific enough to cover all of the issues considered during the life of a parliament, and that members should therefore have some latitude in voting their conscience or in support of the needs of their constituents. But in systems where party discipline is very strong, a representative’s preferences for or against specific legislation might have little impact on how he or she votes. Political party leaders have numerous tools at their disposal to ensure that party MPs do not vote against the interests of the party. Especially in nations with parliamentary systems and party list electoral systems (see Unit 3), it is very difficult for MPs to vote against their party (Zappal 1999).

**TABLE 2**  
**Trustees or Delegates?**  
**Legislators in Five US States**

**Do legislators see themselves as delegates or as trustees? Alan Rosenthal, an expert on US state legislatures, asked legislators from the Senate and House of five US states\*, "If a constituency position on legislation were to come into conflict with your views or judgments, which would generally prevail when you cast your vote?" The mean score for all legislators was 3.47 (somewhat toward "vote own judgment"). In general, the larger the district (and, therefore, the more heterogeneous), the greater the likelihood that legislators would vote according to their own judgment (Rosenthal 2004).**

Vote Constituency Position (Delegate)			Vote Own Judgment (Trustee)	
1	2	3	4	5
6%	14%	21%	44%	15%

\* Maryland, Minnesota, Ohio, Vermont, Washington

An increasingly common phenomenon in recent years is what Anne Phillips calls the politics of presence. This concept of representation assumes that to truly represent a group in society, one has to share specific characteristics of that group (only women can represent women, for example). Gender and ethnicity are the most commonly used characteristics, but they might also include religion, age, profession, or even disability. Guarantees of parliamentary representation by ethnicity or religion have been included in several peace agreements in recent years as a means of ensuring "buy in" to the peace process or a new government. Following are some examples of this kind of representation.

- **Argentina** requires that party lists for candidates for congress include a minimum of 30% women candidates.
- **Afghanistan's** Wolesi Jirga, the more powerful house, consists of 250 delegates directly elected through a system of proportional representation.

At least 64 delegates (two from each province) must be women; they are appointed by the president who also nominates two representatives of the physically disabled, and two [Kuchi](#) nomads.

- **Colombia's** constitution states that "There will be an additional two senators elected in a special national electoral district for indigenous communities" (these are added to the 100 other members). These two members are expected to represent the interests of Colombia's indigenous communities.
- **Uganda's** Constitution requires representation be provided for several groups in the nation, including a woman representative from each district; representatives of the army, youth, workers, and persons with disabilities.
- **Lebanon:** The 1989 Ta'if Accords in Lebanon – negotiated by the then most recently elected parliament – changed the national representation formula. The agreement redistributed power among three main sets of participants in Lebanon –Maronite Christians, Sunni Muslims, and Shiite Muslims. Within the Parliament seats were shifted from the traditional 6 to 5 ratio of Christians and Muslims to one of equal distribution...more accurately reflecting population breakdowns in the nation.

## Representation of Women in Parliaments

In addition to quotas, what other factors help explain the growing number of women represented in parliaments in so many nations? The following excerpts provide a perspective from the Nordic countries, and from Latvia (Inter-Parliamentary Union 2005).

Mr. Björn von Sydow, Speaker of the Riksdag of Sweden

*"We have several explanations for the high presence of women in the Nordic parliaments. One is the proportional electoral system. In Finland, there is a proportional list but the individual choice of the voters also comes into play. Another explanation is to be found in ideological debates in the country. In this area in Scandinavia, politics is, so to speak, in the lead. The business world is falling behind, and the academic world lags behind as well. We have not enough women university professors, and women are also poorly represented in the trade unions."*

Mrs. Ingrida Udre, Chairperson of the Saeima of Latvia

*In Latvia, we have approximately 20% of women in parliament. We do not have a quota system because we believe strongly that people are elected on the basis of their professional capabilities. Women are quite active, not only in the family but also in politics. Our President is a woman, our Minister of Foreign Affairs is a woman, the Speaker of Parliament is a woman and the Chairperson of the Foreign Affairs Committee is a woman too. This doesn't mean that we have some kind of gender issues against men; it is purely to do with the development of society. Historically, women in Latvia have been very active. We are elected because people trust us and think that we are capable of doing the job. We can still do more, especially on issues such as violence in the family, or ensuring equal pay for women and men.*

## Representation and Constituent Relations

Legislators in several nations have significant constituent relations and constituent services responsibilities. Most common in constituency-based representation systems (see Unit 3), constituent services might include helping citizens cut through government bureaucracies to receive their benefits; assisting citizens with special problems; and accessing government funds for projects to benefit the constituency, such as bridges, clinics, water systems, schools, etc. In some legislatures, especially those in poorer nations, representatives are on their own when it comes to constituent relations and services; while better endowed legislatures may have staff to help representatives draft letters and conduct constituents. Staff members may also interface with government bureaucracies on behalf of constituents.

In Unit 3 we will consider how the design of political and electoral systems (i.e., presidential versus parliamentary political systems, and single-member districts versus party list systems) impact the way legislators view and carry out their representation roles, and in Unit 4 will discuss some things legislatures are doing to maintain closer relations with constituents.

We end our discussion on constituent services with the following humorous excerpt from a speech describing citizen demands on their MPs given by Hon. Michael Mataure, former MP in Zimbabwe, at a SADC (Southern African Development Community) Parliamentary Forum parliamentary orientation seminar in Maseru, Lesotho in 2003.

### **Hon. Member, You Promised**

***By Hon. Michael Mataure, former MP of Zimbabwe***

***Honourable Member, you promised.....***

***To be there for your constituents, i.e., to be seen, reached, smelt and be accessible to them round the clock. No strict office hours; no vacation/leave; or personal time. You could in a way be referred to as a roaming prisoner.***

***To be the people's representative/emissary to and from the capital in a consistent manner. Indeed, you have assumed the role of a glorified postman/messenger and bearer of good news, bad news and in fact all news. However, for political and survival reasons you are expected to bring good news and gifts of all manner of description and value to key people and institutions on a regular basis if you still want to remain popular.***

***To be the Principal Agent/Proponent and Activist for ensuring that there is improvement in the infrastructure and service provision of the Constituency, including:***

- a) Upgrading of roads, bridges and related infrastructure;***
- b) Improvement of health services and facilities, e.g., clinics, staff;***
- c) Improvement of schools and related facilities;***
- d) Identifying donors and NGOs to bring material and financial resources for projects in the area;***

**e) Organizing scholarships and employment for a host of demanding political stakeholders including campaign supporters and party activists.**

**Nurturing and maintaining the support of spouses, family (immediate and suddenly extended) and a plethora of friends, acquaintances and hangers-on.**

**To be the chief celebrant/benefactor at feasts, weddings, field days and graduations of various sorts. Your contribution must be seen to be the largest or among the large ones.**

**To be the chief sympathizer/principal mourner in cases of bereavement and death. You are expected to play the role of undertaker when and if we as your constituents cannot afford a coffin or access a vehicle to ferry our beloved relative for burial.**

**To be the individual but unofficial/substitute social welfare unit for all those in need in your constituency including the various fundraising functions to which you are invited, may decline to attend but to do so at great personal risk to your political career.**

**To be your party's most ardent defender, promoter/public relations agent. You are expected to be a party loyalist, worker, volunteer and resource mobiliser. In this case your personal resources, vehicle, house, telephone, time, etc, are part of the party's pool of resources to be accessed as and when required.**

**To be the willing and unwilling subject/object of close public scrutiny and examination. The media are this unique type of vulture that love fresh meat in the form of errant public officials behind whom or who are associated with scandal or who occupy houses with cupboards full of skeletons.**

**For those who serve in cabinet, your constituents expect that you can marshal and commandeer resources easily and get development finances without much difficulty.**

## *Lawmaking*

The second function of legislatures is to make laws, the rules that govern society. Effective legislatures not only represent the differences in society, they must also reach agreements on policy, taxing and spending with which groups and individuals

generally agree. This is difficult under the best of circumstances, but it becomes more so in deeply divided societies and in poor nations with few resources to distribute. Citizens might not think of the national budget as a law, but in reality it is probably the most important law the legislature enacts each year. The budget determines what the nation does, with and for whom, and at what cost. It determines as well, who pays – and who does not pay – for these services, whether the nation will incur debt, how much debt, how the debt will be repaid and over how many years. Budget consideration periods for legislatures vary considerably, from as little as a month in some nations, to about eight months in the United States.

### **The Lawmaking Process**

In Unit 3 we will present several factors which influence the types of roles parliaments play in the lawmaking process. In this section we describe the general steps through which legislation passes.

In most legislatures with committee systems, proposed legislation (bills) are introduced formally on the floor of the house, and then referred to the committee with jurisdiction over the legislation. Westminster systems (i.e., those descending from the British House of Commons) typically hold bills on the floor for a second reading and a debate and vote on the bill “in principle”. After this, bills are referred to committees where committee members typically work on technical details and amendments.

In presidential systems, bills introduced are immediately referred to committee, and those bills, over which more than one committee has jurisdiction, are referred to more than one committee. An education bill with financial implications, for example might be referred to both the education and finance committees. In political systems with a very large volume of legislation (more than 10,000 bills are introduced each year in the US Congress, for example), most legislation never gets beyond committee. If the legislature has two houses, bills may move through each house simultaneously, or through the houses consecutively. Two house legislatures generally devise methods of reconciling different versions of the bills. In some systems, such as the Chilean legislature, the president prioritizes legislation, applying

different levels of “urgency” to different bills. The Chilean Congress is then required to act on bills within the time allotted by the president.

### **Openness of the Legislative Process**

Legislatures differ dramatically in the degree of access granted to the public in the lawmaking process. Nearly all democratic legislatures hold open plenary sessions, but because of concerns with security – or simply traditions of not allowing citizens to participate – citizens may not be allowed to observe plenary sessions. Legislatures located deep within guarded compounds, or those that which lack clear systems of access, are difficult for citizens to actually attend parliamentary sessions.

A growing number of legislatures open not only their plenary sessions, but their committee meetings as well. Some legislative bodies open all committee meetings (with the exception of those dealing with intelligence or security matters) to the public, and publish and distribute agendas in advance so that interested parties may attend. According to the UK House of Commons website, some meetings of Select and Standing Committees are open to the public. Nearly all of Uganda’s committee meetings are open. South Africa’s are open, and monitors cover all sessions and provide reports via the Internet on each committee meeting covered.

Openness of the legislative process refers not just to legislatures providing information to citizens and allowing them to watch legislative proceedings, but to their efforts to listen to citizens and groups in society and allowing them a voice in the process. To this end, some committees conduct public hearings on legislation that they are considering. Public hearings allow committees to hear from citizens, interest groups, and experts about their interests and concerns with regard to proposed legislation, and their comments may lead to legislative amendments. Public hearings also serve an educational function, providing citizens an opportunity to see their legislature in action, and to participate in the legislative process.

**TABLE 3**  
**More Active Mexican Congress**  
 (Bills introduced in House of Deputies)

Recent experience in Mexico illustrates how the legislature's role in the legislative process can change. With Mexico's Party of the Institutionalized Revolution (PRI) losing control of both the Congress and the presidency in recent years, Congress' role in the legislative process has become greater than the president's, both in the percentage of legislation introduced, and the percentage enacted into law. Congress' power may expand even more with a constitutional amendment taking effect this year (2005) lengthening the congressional spring term.

<b>Spring Term</b>	<b>Sponsors</b>	<b>Bills Introduced</b>	<b>Percent*</b>
1995	Deputies	23	57.5%
	Executive	15	37.5%
1996	Deputies	22	66.7%
	Executive	11	33.3%
1997	Deputies	34	81%
	Executive	8	19%
1998	Deputies	71	86.6%
	Executive	9	11%
1999	Deputies	90	80.4%
	Executive	12	10.7%
2000	Deputies	80	84.2%
	Executive	5	5.3%

2001	Deputies	55	64.7%
	Executive	22	25.9%
2002	Deputies	178	86.4%
	Executive	7	3.4%
2003	Deputies	233	82.9%
	Executive	2	.7%
2004	Deputies	264	84.3%
	Executive	13	4.2%

\* Totals may not equal 100% because state legislatures and the Senate may also introduce legislation in the House of Deputies. Not only has the percentage of bills introduced by the executive falling relative to the Congress, but the percentage of executive bills enacted into law is shrinking. In the spring 2001 term, 48% of legislation enacted was initiated by the president. This percentage fell to 43% in spring 2002, 12.1% in spring 2003, and 7.1% in spring 2004.

### *Oversight*

In addition to representing individuals and groups in society, and establishing the policies and budgets that govern society and distribute wealth, legislatures oversee the actions and spending of the executive branch. Oversight is one of the legislature's "check and balance" functions, through which it seeks to ensure that programs are carried out legally, effectively, and for the purposes for which they were intended. In practicing oversight, parliaments look back on government spending and activities to determine whether money was spent appropriately, and to ask "value for money" questions. Different political systems practice oversight in different ways; a nation's political structure, formal oversight powers, and access to budget information all influence the practice of oversight. The increased national and international attention on government corruption in recent years has led to a greater focus on this aspect of parliamentary responsibility.

#### **What is Oversight?**

Oversight of the executive is a simple concept, but difficult in practice. Consider the following example of oversight, and its application to the work of a parliament.

Suppose you hire a contractor to build you a new home. You and your contractor have agreed on a plan for your home, materials to be used, a completion date, and a price. As the

new homeowner, you are “conducting oversight” when you stop by periodically to check on the contractor’s progress, ensure that he is using the materials he said he would use, and try to ensure that the contractor is on schedule and within budget. Once the job is completed, you might ask the contractor for a final accounting of all spending.

Parliaments and executives might be thought of in the same way. By enacting the national budget, the parliament (homeowner) is charging the executive branch (contractor) with implementing the budgeted program. Parliament has the right, and the obligation, to stay abreast of ministry progress in carrying out specific parts of the program, in knowing how closely the program costs conform to budgets, and whether they are “working” (accomplishing their goals). At the end of the year, parliament receives an accounting for costs, and should be to investigate any expenses.

## **Oversight Tools**

Parliaments use a variety of tools – both formal and informal – in overseeing executive spending and activities. They include:

Public audits: These are yearly reviews of government spending. Typically, a nation’s supreme audit agency (sometimes called the Auditor General – AG) reviews government accounts and prepares a yearly report for parliament. Auditors independent of the executive (i.e., those whom the executive cannot hire or fire, and whose budgets they do not control) are freer to conduct independent investigations of executive spending and programs. Audit agencies need sufficient funds and adequate staff if they are to conduct their work effectively.

Public Accounts Committees (PACs): The majority of Westminster parliaments use PACs to follow-up on findings of public audits, to investigate irregularities reported, and to recommend changes to rectify any problems discovered. PACs invite ministers and other ministry officials to testify before the committee, and, in some systems, have the power to subpoena witnesses. Both government and opposition MPs serve on PACs, which more often than not are chaired by a key member of the opposition. AG staff members sometime assist members and staff of PACs in carrying out their investigations.

Questions to ministers: Westminster parliaments typically conduct weekly question periods where MPs ask ministers about issues within the purview of their ministries.

Question may concern MPs constituencies (regarding construction or repair of a road within the constituency, for example) or more general concerns. Question times work best when parliaments are able to follow-up and determine whether government has taken any action on the question (if action is needed), and when parliament has some authority to sanction –or at least express its displeasure – when the executive is not responsive.

Departmental (also called standing, sessional, permanent) Committees: These committees, responsible for overseeing line ministries, frequently have the authority to question ministers and ministry staff of the ministries they oversee.

Select (investigative) committees are temporary committees established for a specific period of time and with a mandate limited to investigating the matter for which they were established. (See the text box, below)

In addition to *formal* oversight tools, parliaments need access to information, sufficient staffing and funding, and sometimes, access to media communications, if they are to be effective. If the executive is unwilling to provide information, parliaments cannot investigate effectively. Without authority to compel the government to provide information, the legislature's hands are tied. But even when a parliament lacks some of the basic powers to ensure compliance, access to the communications media may help. Public knowledge may create pressure for government to change certain policies.

## Select Committees in Uganda

Uganda's Constitution gives parliament the power to censure ministers, and parliament has made use of this power. Section 118 states that "(1) Parliament may, by resolution supported by more than half of all members of Parliament, pass a vote of censure against a Minister on any of the following grounds: (a) abuse of office or willful violation of the oath of allegiance or oath of office; (b) misconduct or misbehavior; (c) physical or mental incapacity, namely, that he or she is incapable of performing the functions of his or her office by reason of physical or mental incapacity; (d) mismanagement; or (e) incompetence. Upon a vote of censure being passed against a Minister, the President shall, unless the Minister resigns his or her office, take appropriate action in the matter."

Between 1997 and 1999, parliament worked through its select committees to conduct nine high-profile investigations of government officials accused of corruption, two of which led to the censure of the Minister of State for Education and the forced resignation of the Minister of State for Privatisation. Following a parliamentary investigation of the vice president in her second role as Minister for Agriculture, the President was forced to remove her from her ministerial position and reshuffle the Cabinet. Presidential inquiries led to the departure of the President's own brother from an important post and other resignations in anticipation of censure or other actions. Another example of oversight, though one which did not produce the same definitive actions, was the effort of a parliamentary minority to question and hold to account the President's actions in waging war in the Democratic Republic of the Congo. A War Powers Act was introduced, and questions were raised in parliamentary forums about the conduct of the war.

In 2001, parliament established the Select Committee on the Ministry of Defence on Allegations of Mismanagement, Abuse of Office and Corruption in the Ministry of Defence, to investigate payroll inefficiencies and procurement procedures. The committee recommended several improvements, which are being implemented in the military. Among other issues, the committee investigated alleged embezzlement of 1.2 billion Uganda shillings meant for troops in the DRC, the purchase of military helicopters that could not fly, the purchase of rotten canned food for the military, and the purchase of ill-fitting uniforms.<sup>1</sup>

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## Unit 1 Questions

Please answer each of the following questions. If you are taking this course in a group you may then meet to discuss your answers.

### **Representation:**

1. Which best describes representatives in your parliament – delegates, trustees, responsible party, other? Explain why.
2. What is the percentage of women MPs in your parliament? Are measures being pursued to increase this percentage?
3. How important is it that MPs share characteristics of those they represent? Describe the electoral system in your country. Do MPs represent geographical areas, party, ethnic group, gender, other characteristic?
4. What services are available in your parliament to help MPs in their dealings with constituents? Budget for travel? District offices? Is there staff dedicated to helping MPs in their relations with constituents?

### **Lawmaking**

5. Describe the lawmaking process in your parliament. Do private members introduce legislation? What percentage of bills which become law originate in the parliament, and what percentage come from the cabinet?
6. How open, or closed, is the lawmaking process in your parliament?
7. Are citizens able to attend plenary sessions, committee meetings? If they are, how many attend?
8. What kind of professional services available to help with bill drafting? Do members need to fund their own research? Their own bill drafting?

### **Oversight**

9. Does your parliament use any of the oversight tools described in this chapter?
10. What other oversight tools can you think of which might be helpful for your parliament?

In Unit 1 we considered the main functions of legislatures, and how they are carried out in several nations. In Unit 2 we will consider a model of legislative power which may help you better understand the power and independence of your parliament.

## Relevant internet resources

The World of Parliaments

<http://www.ipu.org/news-e/13-7.htm>

*Lawmaking and Stages of Legislative Procedure*

<http://magnet.undp.org/Docs/parliaments/Legislative%20Processes.htm>

Parliamentary Monitoring Group

<http://www.pmg.org.za/whatispmg.php>

The United Kingdom Parliament

[http://www.parliament.uk/faq/visits\\_faq\\_page.cfm#vis3](http://www.parliament.uk/faq/visits_faq_page.cfm#vis3)

## Select bibliography

Constitution of Colombia, Article 171.

Samuel P. Huntington: *The Third Wave: Democratization in the Late 20<sup>th</sup> Century*. University of Oklahoma Press, 1991. p.3

Strengthening Legislative Capacity in Legislative-Executive Relations, Legislative Research Series – Paper #6, National Democratic Institute for International Affairs, 2000

Nelson W. Polsby, "Legislatures," in *Handbook of Political Science: Government Institutions and Processes*, eds., Fred Greenstein and Nelson Polsby (Reading, MA: Addison Wesley, 1975).

Remington, Thomas, *Separation of Powers and Legislative Oversight in Russia, Legislatures and Oversight*, WBI Working Paper Series, World Bank Institute, 2004

Alan Rosenthal, *Heavy Lifting: The Job of the American Legislature*, (Washington, D.C. CQ Press, 2004) P.44.

SADC Parliamentary Forum, *MPs Orientation Handbook*, Southern African Development Community Parliamentary Forum, Windhoek, Namibia, 2004

Weldon, Jeffrey, *The Spring 2004 Term of the Mexican Congress*. Center for Strategic and International Studies, Washington, D.C. pp. 25 - 26. 2004

Dr Gianni Zappal, [Research Paper 28 1998-99](#), Challenges to the Concept and Practice of Political Representation in Australia, Parliament of Australia, 29 June 1999.