Professional Development for Parliamentarians and Staff

Parliamentary Staff Training for Commonwealth Countries

Prepared by
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Introduction

Until quite recently, most Commonwealth countries have given very little thought to the use of any system of formal training to prepare parliamentary staff for their responsibilities. The method most frequently used has been to allow new staff to immerse themselves into their new positions and learn by doing or by observing others carry out their functions. While it is true that the application of a new skill is an important consideration to learning, it is not often true that senior officials have the time to work with new staff to provide an ordered avenue of training. Furthermore, the development of parliamentary practice alongside political theory has created a situation in which staff needs to develop the ability to analyze situations relating to the role of parliament and to conceptualize possibilities for carrying out parliamentary functions. Simply depending on precedent to show the way forward, however important the role of past practice may be, is insufficient.

This module has been created to present an overall picture of the responsibilities that fall on staff members, and the basic training required of them in light of the role and function of parliament as understood in the Commonwealth. The module provides an orientation to parliament and parliamentary staff on which further training may be based. It is estimated that either through self-paced, classroom, or technology-based delivery, this course would take approximately 30 hours to complete. However the course is administered, the modules may be supplemented by further study in areas of interest through other modules in the parliamentary strengthening training program series.

The module is presented as a set of units. Each unit is prefaced by a statement of learning objectives and closes with questions or issues for discussion in groups or for further individual study. Both of these may be facilitated by the use of reading lists and Internet resources that are provided at the end of each unit.

The learning objectives and keywords and concepts are highlighted in each unit. Readers should ensure that they understand what these mean. It is recommended that they make substantial use of the glossary and references in the bibliography, including web links.
Readers should keep in mind that there is a wide variety of terminology in the parliamentary field. The reading lists at the end of each unit allow learners to expand their knowledge with relevant trends and practices in particular countries or regions.

The course is comprised of the following units:

1. **The Development of the Modern Commonwealth**: This unit includes information relating to the role of Commonwealth Heads of Government Meetings (CHOGM) and their Declarations and will attempt to help parliamentarians and parliamentary staff to achieve an understanding of the historical development, the current objectives and the broad operations of the association. As a result, learners will effectively be able to apply the resources and networking potential of the Commonwealth.

2. **The Role of the Speaker and other presiding officers**: This unit will examine the roles and responsibilities of presiding officers in both unicameral and bicameral legislatures, emphasizing the role of the Speaker of the Lower House and those who assist him or her in carrying out their duties.

3. **Women in Parliament**: Women remain poorly represented in most Commonwealth legislatures. This unit will present the particular problems with which female parliamentarians are faced in contributing to the work of their legislatures and the obstacles they have to overcome to achieve equal participation with men. Staff is challenged to consider how they might assist creating an atmosphere of greater gender parity in the legislature.

4. **Introduction to Parliamentary Procedure and Aspects of Debate**: Ensuring good relations and smooth operations of the parliamentary system are important for MPs and parliamentary staff. This unit will examine the conventions that apply to the debate procedures in parliament.

5. **Legislation**: The passing of legislation is the most visible work of parliament. Understanding the stages through which draft legislation passes before it becomes law is therefore essential for all parliamentary staff. This unit will also provide some discussion of the issues surrounding secondary legislation.
6. Parliamentary Committees and the Scrutiny of the Executive: This unit will examine how committees can help make parliament more efficient and expeditious in its work. Special attention will be paid to the manner in which parliament examines the work of the executive and how committees assist in this work.

7. The Role of the Opposition: An appreciation of the role of the opposition in parliament is essential for understanding what it can achieve and how, even if it may be a small minority in the legislature. This unit considers that role and also suggests that parliamentary staff will wish to consider their roles in relation to the needs of opposition Members.

8. The Role of MPs and Parliamentary Staff: This unit will explore the various roles which a Member of Parliament is called upon to play, whether as a member of the government or the opposition, and the complementary support role of staff in the work of Parliament.

9. Parliament, its record keeping and the Media: Parliament’s work is reported in the media, and the press is usually given access to its proceedings. This unit will consider the implications for the freedom of the press and for freedom of information.

10. Ministers, Members, Staff and Public Servants: This unit will examine how these groups of people relate to each other in their parliamentary work and the particular role of parliamentary staff in assisting the others with their work.

The content of the units in this module have been arranged so that each unit may stand alone. Through the assistance of the summaries above, it should be possible to select those units that may reinforce each other in light of individual interests.

Each unit contains suggested topics for discussion or questions to which answers should be attempted. Study of some of the materials in the resource lists at the end of each unit will be required for this purpose.
A select bibliography and relevant Internet links of materials that are most relevant for the study of that unit are provided for each unit.

Acknowledgement: The Bibliography and reading lists make reference to several authoritative works that were consulted in the preparation of this course. Definitions, terminology and explanatory material used by their authors will be found in the corresponding units. Where possible, reference to these is made by use of links to the relevant websites. The contribution of these authors, as well as of those who have commented on the content and presentation of the units, is gratefully acknowledged.
Unit 1: The Development of the Modern Commonwealth

Learning Objectives
What does the Commonwealth look like today?

After studying this unit you should be able to:

- Understand what the Commonwealth is and how it has evolved into its current form;
- Analyze the characteristics of this association and its core values;
- Discuss its membership requirements and describe the present membership;
- Understand the manner of governance of the Commonwealth and of the main agencies through which it operates, especially the Commonwealth Secretariat and the Commonwealth Parliamentary Association;
- Discuss the role of the Commonwealth in the modern world.

What is the Commonwealth?

The Commonwealth has its origins in the early nineteenth century when British governments began allowing select British colonies to move towards self-government. In due course these colonies rose to dominion status, which allowed them not only internal self-government but also independence in foreign affairs. The use of the term Commonwealth in this relationship is usually traced to the Earl of Rosebery, who first used the term in Australia in 1884 to refer to the British Empire as a Commonwealth of Nations.

A series of declarations and international commitments brought the Commonwealth to its current status. The first of these agreements is the Balfour Declaration of 1926, a document which first gave definition to dominions as autonomous communities within the British empire that were equal in status and in no way subordinate in any
aspect of their domestic or external affairs. They were united by a common allegiance to the (British) Crown and freely associated as members of the British Commonwealth of Nations. The parliament of the United Kingdom then passed the Statute of Westminster in 1931 to give the necessary legal backing to dominion arrangements. Canada, Australia, the Irish Free State, South Africa, New Zealand and Newfoundland were dominions under the Statute of Westminster. The Irish Free State left the Commonwealth in 1949 and Newfoundland joined the Canadian Confederation in that year.

<table>
<thead>
<tr>
<th>Year</th>
<th>Nation</th>
<th>Year</th>
<th>Nation</th>
<th>Year</th>
<th>Nation</th>
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<td>1957</td>
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<td>1979</td>
<td>Kiribati</td>
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<td>1966</td>
<td>Guyana</td>
<td>1979</td>
<td>Saint Vincent and the Grenadines</td>
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<td>1980</td>
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<td>Nauru</td>
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<td>Antigua and Barbuda</td>
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<td>Saint Kitts and Nevis</td>
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<td>1970</td>
<td>Tonga</td>
<td>1994</td>
<td>Brunei Darussalam</td>
</tr>
<tr>
<td>1962</td>
<td>Trinidad and Tobago</td>
<td>1972</td>
<td>Bangladesh</td>
<td>1990</td>
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<tr>
<td>1962</td>
<td>Uganda</td>
<td>1973</td>
<td>Bahamas</td>
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</tbody>
</table>


Meanwhile other moves had taken place in the less Europeanized of the British colonies, leading to independence for India and its partitioning into the two countries of India and Pakistan in 1947. Sri Lanka, under its former name of Ceylon, followed a few months later in 1948. There were to be immediate constitutional repercussions for the British Commonwealth as the new India, while keen to remain a member of the association, had decided that its form of government should place the power with its citizens, or become republican, and not remain monarchical. Clearly this did
not fit the model of the Balfour Declaration and at a Meeting of Commonwealth Prime Ministers in 1949, the London Declaration came into being, allowing for countries with republican constitutions to remain members of the Commonwealth while accepting the British Monarch as a symbol for free association of independent member nations and as the head of the Commonwealth. The Commonwealth of Nations had been created but no constitution was proposed either then or later for the governance of the association.

Membership of the Commonwealth expanded steadily as other countries attained independence. However, not all former colonies joined the Commonwealth. For instance Burma, then Myanmar, became independent in 1947 but like some Middle Eastern countries it did not join the association. Samoa (then Western Samoa) and the Maldives became independent in 1962 and 1965 but joined the Commonwealth only in 1970 and 1982 respectively. There were other comings and goings. For instance, South Africa decided not to make the necessary reapplication for membership upon changing its constitutional status when it became a republic in 1961. Pakistan left in 1972 after Commonwealth members recognized the new state of Bangladesh, which had been carved out of the original Pakistan, and Fiji, like South Africa allowed its membership to lapse after the declaration of a republic following a coup in 1987. All of these have returned to membership, though, in late 2003. Zimbabwe decided to quit the Commonwealth.

One country alone, Mozambique, joined the Commonwealth without having had previous constitutional links to Britain or any other Commonwealth nation. This was permitted as a special case in recognition of the contribution of Mozambique to the freedom struggles in southern Africa where it was closely allied, and consequently suffered alongside, its Commonwealth neighbors in that region.

Today the Commonwealth has a membership of 53 countries. Over two-thirds of these do not recognize the British Monarch as their head of state. In terms of population, the Commonwealth now represents some 1.7 billion people of diverse cultures across the globe. As long as 40 years ago the head of the Commonwealth was able to say that the Commonwealth bore no resemblance to the empire of the past, but is an entirely new conception built on the highest qualities of the spirit of
man: friendship, loyalty and the desire for freedom and peace. Today many claim it is a source of unity.

In 1965 a Commonwealth Secretariat was established, with a chief executive to be known as the Commonwealth secretary-general. The purpose of this body was to implement Commonwealth decisions and to foster the many forms of relationships between the member countries.

Commonwealth Values and Principles

The Meetings of Commonwealth Prime Ministers referred to earlier have since 1971 been replaced by meetings of Commonwealth Heads of Government (CHOGM), which are held every two years. From time to time they reiterate the core values and principles of the association and review its performance and global relevance (See Table 2).

<table>
<thead>
<tr>
<th>Table 2</th>
<th>Core Values of the Commonwealth Heads of Government</th>
</tr>
</thead>
<tbody>
<tr>
<td>Following the CHOGM meeting in Coolum, Australia in 2002, the core values and principles were stated to be:</td>
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<tr>
<td>• Commitment to democracy, the rule of law, good governance, freedom of expression and the protection of human rights;</td>
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<td>• Respect for diversity and human dignity; the celebration of pluralism in Commonwealth societies and the tolerance it promotes;</td>
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<tr>
<td>• Implacable opposition to all forms of discrimination, whether rooted in gender, race, color, creed or political belief;</td>
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<tr>
<td>• Determination to work to eliminate poverty, to promote people-centered and sustainable development, and thus to progressively remove the wide disparities in living standards and overcome the special challenges facing members in small states and less developed countries;</td>
<td></td>
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<tr>
<td>• Collective striving after international peace and security, the rule of international law, the elimination of people smuggling and the scourge of terrorism.</td>
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Apart from complying with these values, other criteria for gaining membership to the Commonwealth are a constitutional link with an existing Commonwealth member state and the acceptance of Commonwealth procedures and conventions that have grown over the years. Reapplication for membership is required where a member
state changes its constitutional character, for instance, from a monarchy to a republic.

The first of the CHOGM Declarations was made by heads of government at their meeting in Singapore in 1971. A study of the declarations over the decades illustrates the manner in which the Commonwealth tries to respond to changing demands and challenges. It is important to note that since the association has no constitution, these statements, deriving from intergovernmental consultation, are the driving force behind Commonwealth behavior and action. The Singapore Declaration of Commonwealth Principles, which in 1971 established binding principles, began with a definition of the Commonwealth itself, which summarizes its characteristics:

‘The Commonwealth of Nations is a voluntary association of independent sovereign states, each responsible for its own policies, consulting and cooperating in the common interests of their peoples and in the promotion of international understanding and world peace.’

**Characteristics of the Commonwealth**

The first characteristic of the Commonwealth is that membership is voluntary. This also underlines the acceptance that all members are equal within the association even if they were at one time a colony or trust territory overseen by a central power.

Next, all members must be independent sovereign states, each responsible for its own policies. However, Commonwealth practice allows dependencies of member countries to be eligible for some forms of Commonwealth technical assistance, to take membership in certain Commonwealth organizations, like the Commonwealth Parliamentary Association (CPA), or to be represented at events such as regional discussion forums though not at policy-making meetings like CHOGM itself.

Each member country is responsible for its own policies but all Commonwealth countries must act within a culture of consultation and co-operation. Consultative events provide the strength and the backbone for policy-making at a Commonwealth level and for understanding each member’s positions. It also permits action on the basis of consensus that distinguishes the Commonwealth from many other
international groupings. As for Commonwealth co-operation, this is best seen in its technical assistance programs.

Finally the definition requires that all of the association’s work should be directed to the common interests of the Commonwealth’s people and to the promotion of international understanding and world peace.

**What holds the Commonwealth together?**

It has often been said that the Commonwealth is held together by a common heritage of the English language, law and parliamentary democracy and while it is claimed that these characteristics help to generate a family feeling at its basis. These can no longer provide the full explanation since so many countries have veered away from British practice in many spheres. The English language is the only regular or official vehicle of communication in a small minority of Commonwealth countries (See chart 1). Legal systems have evolved from the original Colonial legal system to one that can be more relevant to each Commonwealth nation. Many countries have dropped the bicameral parliamentary system based on the Westminster model in favor of a unicameral one, and there are even cases of changes in the structures of legislatures from parliamentary to congressional systems. The truth must therefore lie deeper. A clue may be found in the words of the second Secretary General of the Commonwealth, Sir Shridath Ramphal (1975-1990), who said that ‘the true value of the Commonwealth derives not from likeness or even like-mindedness, but from variety. It derives from the fact that this family facility is a commingling of the world’s diversity. What the Commonwealth tries to do is to harmonize differences over a wider range and to a further degree than any other grouping’. This realization
is an important factor for the harmonizing of differences is very different from attempting to cast all member countries into one mould.

**The Governance of the Commonwealth and its Operations**

As already noted, CHOGM is the supreme policy-making and performance-evaluating body of the Commonwealth. It appoints the Commonwealth *secretary-general*, who is the head of the Commonwealth Secretariat and so holds the association’s highest executive post.

One of the special procedures adopted by CHOGM has been the ‘Retreat’ where the heads have the opportunity to discuss difficult points of policy and try to achieve a consensus away from their officials and the media.

A full communiqué spelling out the decisions of the group is published after every CHOGM. This document outlines to the Secretariat and other Commonwealth agencies the work that is expected of them from the resources available during the next planning period.

Important Declarations accompanying the communiqués for the Commonwealth over the last fifteen years have included:

- **The Harare (Zimbabwe) Declaration of 1991**: This declaration reaffirmed Commonwealth principles originally set down in 1971 in the Singapore Declaration and made a robust stand against terrorism, promised to pursue measures to make the equality of women and their full participation in public life a reality, made specific decisions related to the promotion of sustainable development, and stressed the promotion of democracy.

- **The Millbrook (New Zealand) Declaration of 1995**: In this declaration, Commonwealth leaders decided that firm action would be taken against members who did not uphold the Harare principles, even by suspension of participation at Commonwealth meetings or with complete suspension from the Commonwealth. As a result, a rapid action force was set up under the name of the Commonwealth Ministerial Action Group (CMAG);

• The Coolum Declaration of 2002: This document gave new vision and structure for the Commonwealth in the 21st Century.

• The Aso Rock (Nigeria) Declaration of 2003: A meeting of high-powered experts on development and democracy stressed the necessity for development efforts to take a pro-poor stance. CHOGM gave its support for such matters as a successful conclusion to the Doha Round of negotiations on multilateral trade. CHOGM also asked Commonwealth countries to continue to take action in support of the United Nation’s Millennium Development Goals.

The Commonwealth Secretariat

The responsibility for putting the instructions of CHOGM into action falls on the Commonwealth Secretariat. This is a small body, in international terms, comprising just over 250 staff. It is nonetheless the largest such entity in the Commonwealth. Apart from servicing CHOGM, the Commonwealth Ministerial Action Group (CMAG) and the regular ministerial meetings, it functions to aid all aspects of human endeavor in Commonwealth countries. The Secretariat runs consultative events and training and development activities that are conducted in fields ranging from political affairs and diplomacy to economic affairs and education, from health, gender equality, and youth matters to management development. The Secretariat has been able to recruit specialized staff of high caliber, often by secondment of senior government officials familiar with international operations at high levels.

One of the most visible activities of the Secretariat has been the organization of Election Observer Groups (COG). These missions to monitor the transparency of elections are undertaken with the agreement of the country where elections are being held and, most often, it is on a request from that country that these are initiated (see example in box 1). An assessment mission before the election establishes that the observers can go wherever they want and have access to all stages of the process, which is vital to making judgements on the election’s
credibility. The observers look to see whether there is free expression by the electors and determine if the election results reflect the wishes of the people, and the election is considered in the context of the democratic process as a whole. COGs are constituted by the Commonwealth Secretary-General and Commonwealth governments, but are present only to observe, not to supervise, or provide favor to any party.

**Box 1**

**COG’s Terms of Reference for Malawi’s elections**

"The Group is established by the Commonwealth Secretary-General at the request of the Malawi Electoral Commission. It is to observe relevant aspects of the organisation and conduct of the Parliamentary and Presidential Elections which are scheduled to take place on 18 May 2004, in accordance with the laws of Malawi. It is to consider the various factors impinging on the credibility of the electoral process as a whole and to determine in its own judgement whether the conditions exist for a free expression of will by the electors and if the results of the elections reflect the wishes of the people.

The Group is to act impartially and independently. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgement accordingly. It would also be free to propose to the authorities concerned such action on institutional, procedural and other matters as would assist the holding of such elections.

The Group is to submit its report to the Commonwealth Secretary-General, who will forward it to the Government of Malawi, the Chairman of the Malawi Electoral Commission, the leadership of the political parties taking part in the elections and thereafter to all Commonwealth Governments."


The Secretariat also runs a small development assistance scheme known as the Commonwealth Fund for Technical Co-operation (CFTC). This scheme arranges for sharing Commonwealth skills for the common good through training schemes, expert placements and many other innovative approaches developed over its 30 years of operation. CFTC works with a small budget (£23.5 m in 2004/05 and £24.1 m in 2005/06) to achieve its goals. Particular attention is given by the Secretariat to the problems of the Small States of the Commonwealth.

**Other Commonwealth Organizations and Activities**

The Commonwealth Secretariat is the Commonwealth’s government-to-government
According to the Commonwealth Secretariat Small States group, thirty-two of the Commonwealth's members are defined as small states. They have populations of less than 1.5 million and are characterised by their vulnerability in the areas of defence and security, environmental disasters, limited human resources, and lack of economic resources. The surface area is given in square km.

<table>
<thead>
<tr>
<th>Nation</th>
<th>Surface Area (square km)</th>
<th>Population (thousands)</th>
<th>Nation</th>
<th>Surface Area (square km)</th>
<th>Population (thousands)</th>
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</table>


Consultation between and among Commonwealth parliaments is the responsibility of the Commonwealth Parliamentary Association (CPA). This organization has its origins in the Empire Parliamentary Association set up in 1911, and changed its name when the new concept of the Commonwealth of Nations was adopted. Interestingly, its constitution allows for the participation of sub-national legislatures, that is, legislatures of states, provinces and territories, or of non-sovereign (dependent) territories as Branches of the Association. The balance of representation is therefore quite different from the regular pattern of Commonwealth participation. This is reflected in the representation of members on the executive committee of the Association and the manner in which the Association divides itself into regions. The CPA organizes an annual conference of commonwealth parliamentarians, which is a popular event among members. This event also covers a conference of small countries, or more accurately jurisdictions, with populations of 400,000 or less.
In the last dozen or so years, the CPA has greatly increased the scope and depth of the professional development activities it offers. While these are run mainly for Members of Parliament (MPs), including post-election seminars largely directed towards newly elected MPs, some events are now organized specifically for parliamentary staff. Reports of activities such as study groups on special topics, are published for general dissemination along with the Association’s own quarterly journal, *The Parliamentarian*. Members and the public also have access to an information and reference service of the CPA through which they may, for instance, obtain references to some matter of procedure or practice.

Like most Commonwealth bodies, the CPA operates on a regional basis but to a rather more pronounced degree (See Table 4). Thus its nine regions are encouraged to run their own conferences and seminars assisted by the headquarters Secretariat when necessary whether by way of financial or technical assistance. This method of operation has great advantages, especially that the CPA is able to carry out its activities with a small number of staff, at present just 14.

In 1989 the CPA decided to make special opportunities available for the professional development of its women MPs. Parallel to this, much attention has been paid to the whole issue of gender in the political arena and the problems faced by women and parliamentarians. *Commonwealth Women Parliamentarians* (CWP) now have their own voice within the CPA and meet regularly as a group at the Annual Conference.

The CPA also organizes a limited number of events for those who are not parliamentarians or parliamentary staff. Primarily these are directed towards young people as a means of involving them in the Commonwealth and in parliamentary democracy. These include youth parliaments and youth-oriented observations of Commonwealth Day (which is the second Monday in March each year). At the local
government level, the recently established but very active Commonwealth Local Government Forum (CLGF) plays a parallel role to that of the CPA.

The Commonwealth has always placed great stress on the development of associations of professionals and the contribution of its citizens to their societies. Associations and societies exist for all forms of human endeavor and interest from Architecture to Zoology. A separate intergovernmental body, the Commonwealth Foundation, attends to the interests of these non-governmental organizations. Its work in engaging civil society in the life of the Commonwealth is now an important part of Commonwealth activity.

**Box 2**

**What does the Commonwealth Foundation fund?**

The Commonwealth Foundation is an intergovernmental organization for Commonwealth governments that aims to strengthen civil society, democracy and good governance, respect for human rights and gender equality, poverty eradication and sustainable, people-centered development, and to promote arts and culture through the administration of funds. The Commonwealth Foundation’s funds are administered for increasing exchanges between Commonwealth organizations in order to maintain and improve standards of knowledge, attainment and conduct. The Foundation also works with issues related to culture, information and the media, rural development, social welfare, the handicapped, and the role of women.

**The Foundation will:**

- Support attendance at conferences, seminars, symposia, workshops, short courses and other such activities;
- Assist professional and other non-governmental bodies at the national, regional and Commonwealth level;
- Facilitate advisory, exchange and study visits;
- Stimulate the flow of information between professional and other non-governmental bodies;
- Stimulate and support any other activities, which fall within the Foundation’s areas of interest by any other means that may be thought fit by the Board.


Another very visible Commonwealth activity organized for society as a whole is the Commonwealth Games. This multinational, multi-sport event is held every four years
involving the elite athletes of the Commonwealth of Nations. Attendance at the Commonwealth Games is typically around 5,000 athletes.

The evolving Commonwealth has attempted to pay attention to areas that were not sufficiently catered for in earlier years. Thus there is now a body devoted to business interests in the Commonwealth known as the Commonwealth Business Council (CBC). Similarly the realization that the Commonwealth could use its resources to reach much greater numbers through distance learning led to the creation of the Commonwealth of Learning (COL) which may be described as a non-degree-granting Commonwealth University for improving development and access to continuing education for commonwealth countries. The Commonwealth Human Rights Initiative (CHRI) has a self-explanatory title but it must be reiterated that, like all such Commonwealth bodies, it does not possess any executive powers extending to Commonwealth governments in that area. The Institute of Commonwealth Studies is a research institute founded in 1949 at the University of London. Within it is based the Commonwealth Policy Studies Unit, a think tank for the contemporary Commonwealth. The Royal Commonwealth Society, with branches in many countries, provides information and education about the Commonwealth to all interested persons.

While most Commonwealth agencies and professional associations have tended to have their bases in the United Kingdom for historical reasons, the pattern is now showing signs of changing. Thus the COL is based in Vancouver, Canada, and the CHRI in New Delhi, India, while the Commonwealth Journalists Association (CJA) moved to St Augustine, Trinidad and Tobago in 2004.

The Future Role of the Commonwealth

What is the Commonwealth’s real role today? Is it a proxy for past colonial practices? Does it carry any weight in the modern world? What role can it play in the future? These are legitimate questions and, as the CHOGM deliberations show, the Commonwealth strives from time to time to ask itself similar fundamental questions so that it may keep rebuilding itself to meet challenges and demands. However, it is not perfect. Some developing countries of the Commonwealth complain of feeling
left out of the organization. Another criticism often levied is that it is too light-weight in the international arena and can only attend to small niche areas in its work.

The Commonwealth is at its best when it uses its capacity as a network. For instance, the small countries of the Commonwealth would lose much of their voice in international forums were it not for the support of the Commonwealth. However, the capacity of the Commonwealth for harmonizing differences is not being well maintained. Part of the reason for this is the problem of under funding. The Commonwealth is asked at every CHOGM to take on some fresh responsibility but without additional funds so that its resources get spread more and more thin.

**Conclusion**

In this unit we discussed the history of Commonwealth nations and the creation of the modern Commonwealth. We also learned what the membership requirements are for a nation interested in joining the institution, and the governance structure and role that the commonwealth plays in national and international governance. In the next units we begin to examine the operation of parliamentary democracy within the commonwealth.

**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.

1. Do you think that the lack of a constitution has affected the working of the Commonwealth? Should the Commonwealth consider creating one for the future?
2. What should the Commonwealth be doing to remain relevant in today’s societies?
3. Do you believe that CHOGM Communiqués and Declarations have addressed the problems of their times?
4. What further activities should the Commonwealth Parliamentary Association undertake for parliamentary staff?
5. Do you believe that the Commonwealth can make an impact on global trade practices?
Relevant Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Name</th>
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<tbody>
<tr>
<td>CBC</td>
<td>Commonwealth Business Council</td>
</tr>
<tr>
<td>CFTC</td>
<td>Commonwealth Fund for Technical Cooperation</td>
</tr>
<tr>
<td>CHRI</td>
<td>Commonwealth Human Rights Initiative</td>
</tr>
<tr>
<td>CoL</td>
<td>Commonwealth of Learning</td>
</tr>
<tr>
<td>ComSec</td>
<td>Commonwealth Secretariat</td>
</tr>
<tr>
<td>CPA</td>
<td>Commonwealth Parliamentary Association</td>
</tr>
<tr>
<td>RCS</td>
<td>Royal Commonwealth Society</td>
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</tbody>
</table>

Relevant Internet Resources

Commonwealth Business Council
http://www.cbcglobelink.org/cbcglobal/index.htm

Commonwealth Foundation
http://www.commonwealthfoundation.com

Commonwealth Fund for Technical Co-operation
http://www.thecommonwealth.org/Internal/20636/commonwealth_fund_for_technical_co_operation/

Commonwealth Games
http://www.commonwealthgames.com/

Commonwealth Heads of Government

Commonwealth Human Rights Initiative
http://www.humanrightsinitiative.org/

Commonwealth Journalists Association
http://www.cjaweb.com/

Commonwealth of Learning
http://www.col.org/colweb/site

Commonwealth Local Government Forum
http://www.clgf.org.uk/

Commonwealth Ministerial Action Group
http://www.thecommonwealth.org/Internal/38125/cmag/

Commonwealth Parliamentary Association
http://www.cpahq.org/

Commonwealth Policy Studies Unit
http://www.cpsu.org.uk/

Commonwealth Secretariat
http://www.thecommonwealth.org/

Institute of Commonwealth Studies, University of London
www.sas.ac.uk/commonwealthstudies

The Royal Commonwealth Society
http://www.rcsint.org/
Select Bibliography


ComSec (2003). Making Democracy work for Pro-Poor Development. London, ComSec.


Unit 2: The Role of the Speaker of Parliament and other Presiding Officers

Learning Objectives
Speakers and their Legislatures

After studying this unit, you should be able to:

- Describe the role, functions and responsibilities of the Speaker or other presiding officers of legislatures;
- Explain how they are supported in their tasks by their deputies and parliamentary staff;
- Understand the relationships that exist between the Speaker and other parliamentary and political officials;
- Discuss how and why the roles of presiding officers may vary in different legislatures.

Introduction

In every parliament, whether Westminster or presidential, there is a person who takes on the role of a Speaker, or presiding officer. In this unit we consider the role of this individual and the systems in which they work. We then look at the individuals who help them accomplish their goals, and how the role of the presiding officer changes from system to system.

The functions of a Presiding Officer

A presiding officer is needed in all legislatures to impartially oversee the procedures of debate. Most commonly this officer is called the speaker especially in unicameral parlaments (those with one house) or in the Lower Houses of bicameral parliaments. The presiding officer of an Upper House or

<table>
<thead>
<tr>
<th>Table 5 Unicameral vs. Bicameral Legislatures</th>
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</thead>
<tbody>
<tr>
<td><strong>Unicameralism</strong></td>
</tr>
<tr>
<td>One legislative or parliamentary chamber or House</td>
</tr>
<tr>
<td>Often small and homogeneous unitary states that consider an upper House or second chamber unnecessary</td>
</tr>
<tr>
<td>Checks and balances performed by committees</td>
</tr>
</tbody>
</table>
second chamber is not normally called the speaker, but most commonly president, chairman or chair. In some countries with a republican, or non-hereditary constitution, the vice-president of the country is sometimes, by virtue of the position, the presiding officer of the second chamber.

**Box 3
The Westminster Model**

The British system of government, which is characterized by the way in which powers are merged through the counterbalancing of the Crown, the House of Lords and the House of Commons. The head of state is the nominal or theoretical source of power. The exercise of both legislative and executive power lies with the majority party.

The speaker or other presiding officer, as a rule, is seen as an impartial authority conducting the proceedings but it is important to appreciate that this may be different in legislatures that are not based on the Westminster model (See Box 3).

As the controller of the proceedings of the House, the Speaker’s role is to

- Allow Members who are speaking to express their views;
- Ensure that Members adhere to the rules of debate, that is, as required by the Standing Orders of the House;
- Regulate the time allocated for debate and ensure that parliamentary time is not wasted;
- Rule on any dispute as to the procedure to be followed by the House;
- Protect the right of the minority

Speakers may also perform many other functions as the head of the legislature in which they are responsible, for example, for the general administration of the chamber and buildings as well as for security aspects. In this role they may have to act as chair of certain parliamentary committees, though some countries eschew placing the Speaker in such roles, as it may appear to detract from the impartiality of the office.

Finally the Speaker usually has a ceremonial role even outside of parliament and in the constitutions of certain countries he or she may hold a very high position in the order of precedence even being called upon to act for the head of state in the latter’s absence from the country.
The key feature of the role of a Speaker in a Commonwealth parliament is impartiality and at least while holding the post during a parliamentary term, he or she is expected to be non-partisan in their actions. Though the Speaker would probably be a member of a political party, he or she should not distinguish between government and opposition Members in making decisions. The further implications of this impartiality have been interpreted in different ways according to the practices of each country. In certain jurisdictions, once a Speaker is appointed, he or she leaves the political party and the interests of the constituency are seen in other ways: at any succeeding election, he or she would stand as ‘Mister or Madam Speaker’ rather than as the representative of a political party. This strict view does not hold in the majority of Commonwealth countries and, once parliament is dissolved, the Speaker may contest as a member of a party, though naturally this would not guarantee that the new parliament would re-elect him or her as Speaker.

**Election of a Speaker**

In most Commonwealth countries, the Speaker is required to be a Member of Parliament and is usually elected by a secret ballot of Members conducted by the Clerk (or Secretary-General) as the first item of business of a new parliament. Similarly if a vacancy in the post has occurred during a session, the election becomes the first item of business thereafter. It is the only occasion in most parliaments when a secret ballot is taken.

The procedure for the election may vary but the usual system is that the successful candidate is required to obtain more than fifty per cent of the votes. Where there are more than two candidates, voting proceeds in stages by the elimination of the candidate with the least number of votes at each ballot until the necessary majority is obtained.

In some jurisdictions there is not a requirement for the Speaker or the presiding officer of the Upper House to be a member of the House and the post may be filled by the nomination of a person from outside the House, by the head of state or by the parliament itself. This does not interfere with the term of the post, which would remain the same as the life of the legislature.
In most parliaments it is the accepted norm that the party with the largest number of Members will see their candidate elected as Speaker. However other countries try to follow a system of rotation as new parliaments are elected.

**Powers of the Speaker and Presiding Officers**

Given the heavy responsibility cast on the Speaker (and other presiding officers) to ensure fair debate in the Chamber, it is to be expected that the post will be vested with adequate powers to ensure this. The House too has to assist the Speaker in carrying out these functions, and MPs are required to adhere to the rules of debate.

<table>
<thead>
<tr>
<th>Box 4</th>
<th>Legal Precedent</th>
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<tbody>
<tr>
<td>Most legal decisions are based on the precedent or authority determined from earlier cases that establish a law. A precedent which must be applied or followed is known as a mandatory or binding precedent or binding authority, while a precedent which is not mandatory but which is useful or relevant is known as a persuasive precedent or an advisory precedent. In either situation, a new case can establish a new trend and that can establish a precedent that indicates the next logical step in evolving interpretations of the law. Precedent can also be overruled in case law, or the body of legal decisions that interprets prior legal cases, statutes and other legal</td>
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</table>

All debate is carried out through the Speaker and it is to him or her, therefore, that all speeches are addressed. The Speaker will ensure that MPs are not interrupted unless they agree to give way, but MPs who obstruct or disturb proceedings will be called to order. At worst, the Speaker can even arrange for an MP to be suspended from further proceedings of the House or to be removed from the Chamber.

In regard to the record of proceedings the Speaker’s powers stretch to the ability to have objectionable words expunged and to order the media not to report some part of a debate if it is struck from the record. A Speaker’s rulings are made with due regard to previous rulings and he or she will always be aware that every decision taken can potentially create a new legal precedent (See Box 4).

These powers are given to Speakers because they are the guardians of the rules of the House. But a wise Speaker is always cognizant of the fact that he or she is also the servant of the House. While it would be easy to become authoritarian, the will of
the House must prevail. Speakers would soon be made aware of any situation where they become incapable of presiding over the House that elected them. Votes of no confidence in Speakers are rare, but not unknown.

Other Responsibilities of the Speaker and Presiding Officers

Speakers or other presiding officers do not enter into debate on any matter that is before the House. This is in keeping with the impartial stance required of them and, accordingly, they will usually not vote either. A potentially sensitive situation occurs where there is a tied vote in the House and the Speaker has to resolve the matter by using a casting vote, or a vote given to the presiding officer of a council or legislative body in order to resolve a deadlock. The convention in Commonwealth countries is that the casting vote will be used to maintain the status quo.

In certain parliaments, it is a requirement of the constitution that any bill should be ruled upon by the Courts of Justice as acceptable under the constitution to ensure that it does not violate fundamental rights of the citizens of the State. The Speaker would therefore send the bill for such determination and inform the House upon receipt of that decision. However, under such constitutions, once a bill has passed into law, there can be no further reference to the courts for further determination of its constitutionality.
When a bill has been passed by the parliament, it has to be signed into law. In some countries the head of state is required to carry out this function but in others, a certification by the Speaker completes the necessary formalities and the bill duly becomes an act or law.

There may arise situations where the judiciary and the House are not in agreement on some aspect of procedure. Cases are known, and indeed have recently become more frequent, where the judiciary has asked that parliament should not debate some matter or that the Speaker should not give a decision on some matter, until the courts have come to their conclusions. Speakers of the House look upon these as cases which would violate the supremacy or sovereignty of parliament, however vague that term may be in the law, and do not seem inclined to accept such demands from the courts.

The duties of the Speaker and other presiding officers do not terminate with their departure from the chair at the end of the day. There are various other functions required of them, which extend from presiding over committees of the House (in some jurisdictions these are limited to committees, commissions or boards dealing with the administration and management of the House) to representational duties both at home and abroad.

Because of the wide variety of functions Speakers are required to carry out, legislatures usually assist them by electing at least one Deputy Speaker and further electing, or allowing the Speaker to appoint, a panel of other MPs who would share the burden of presiding over the House. Once again such officers are chosen from any of the parties in the House and are required to work with the same degree of impartiality expected of the Speaker.

**Other Officers of Parliament**

Speakers also have various permanent officials in parliament to help them carry out these functions. The first and most senior is the Clerk, or Secretary-General, of the House. This is a permanent non-political official of the House whose work is usually defined as keeping the minutes of the deliberations of the House and being
responsible for the safety of all documents. In practice the work remit is much broader as the Clerk is really the administrator responsible to the Speaker for day-to-day work of the institution and, in particular, advising the Speaker and his deputies, as well as government and opposition Members on the procedures of the legislature.

In most Commonwealth countries the Clerk is an appointee of the parliament but in several he or she is a Member of the public service holding office in parliament in much the same way as one would in serving in a Ministry office. Impartiality in one’s actions, especially in giving advice to the Speaker and to members, is a particular requirement of the Clerk’s position and for this reason many countries protect the clerk constitutionally or in other ways.

Another important official of parliament is the Serjeant at Arms. This officer is responsible for the security of the House, an increasingly heavy burden in the current context of terrorism, and for physically enforcing the orders of the Speaker, for instance, in ensuring that suspended Members are removed from the House if they do not leave when ordered to do so by the Speaker.

The Librarian and the Editor of Hansard, the official record of parliament’s debates, are other officials whose work underpins the operations of a well-organized parliament. Accordingly the Speaker and Clerk will place great reliance on them. In some legislatures their seniority is recognized as equivalent to that of the Serjeant at Arms.

An official who is not a member of the staff of parliament but spends much time in advancing the work of the institution is the Auditor General (in some jurisdictions termed the Comptroller and Auditor General). It would be impossible for parliament to carry out its work of scrutinizing the executive, especially in its financial operations, without receiving reports from the Auditor General and being able to rely on that official’s assistance in deliberating on his or her findings at the meetings of the Committee on Public Accounts and, where it exists, the Committee on Public Enterprises (or Public Undertakings). For these reasons the Auditor General is looked upon as a semi-parliamentary official who is given the prerogatives of an officer of parliament but who will act on his or her own initiative and not be subject to the
direction of the House as to what matters to inquire into. This is to ensure impartiality and the post is invariably protected by the constitution of the country.

In recent times, many legislatures have had to call upon the services of a Parliamentary Commissioner for Administration, sometimes referred to as the Ombudsman. He or she investigates complaints from the public of maladministration that affects their rights. The parliamentary commissioner cannot make determinations about the pros and cons of a particular governmental policy but will report to parliament on important cases investigated or those that parliament has referred to him or her. This post is also usually protected under the constitution.

There are finally a group of political officials whose help is invaluable to the Speaker in carrying out his duties. They are the Leader of the House and the whips of political parties. The Leader of the House ranks in most countries as a government Minister but he or she has special responsibilities for government business in the legislature and therefore for safeguarding the privileges and procedures of the House. Government and opposition whips similarly have interests in getting their work done, and cooperate with the Speaker to arrange an orderly manner for the schedules for debates and other work of the House. The Leader of the Opposition could be added to this list of officials who help the Speaker. However, a whip usually represents him or her, just as the Leader of the House represents the Prime Minister. These officials invariably also serve on the House committees dealing with these matters more formally.
Unit 2 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.

1. What pressures may a Speaker expect to face that could militate against his or her work as an impartial office holder?
2. What responsibilities would be shared between presiding officers in a bicameral parliament?
3. Discuss the ways in which the opposition could help presiding officers to carry out their duties. Is it in the interests of the opposition to do so?
4. Apart from the Auditor General and the Parliamentary Commissioner for Administration (Ombudsman), what other posts of similar status do you consider should be created in your country to assist the Speaker and parliament in their work?

Relevant Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ComSec</td>
<td>Commonwealth Secretariat</td>
</tr>
<tr>
<td>CPA</td>
<td>Commonwealth Parliamentary Association</td>
</tr>
<tr>
<td>IPU</td>
<td>Inter-Parliamentary Union</td>
</tr>
<tr>
<td>NDI</td>
<td>National Democratic Institute for International Affairs</td>
</tr>
<tr>
<td>UNDP</td>
<td>United Nations Development Program</td>
</tr>
<tr>
<td>WBI</td>
<td>World Bank Institute</td>
</tr>
</tbody>
</table>

Relevant Internet Resources

UNDP Constitution
http://www.undp.org/governance/parldev/docs/constution.htm

UNDP Governing Systems and Executive-Legislative Relationships

UNDP Legislative Chambers: Unicameral or Bicameral?
http://www.undp.org/governance/parldev/docs/chambers.htm

Select Bibliography


Unit 3: Women in Parliament

Learning Objectives
Women as Equal Leaders for Progress

After studying this unit, you should be able to:

• Understand the attitude of the Commonwealth to women’s participation in all aspects of life;
• Discuss the reasons for the small proportion of women Members in Commonwealth parliaments;
• Describe the barriers to the fuller participation of women in Parliament.

Introduction: Women in the Commonwealth

The Commonwealth Women Parliamentarians Group developed from an informal meeting of women parliamentarians held at the 35th Commonwealth Parliamentary Conference in Barbados in 1989, initiated by Senator Norma Cox Astwood of Bermuda.

The main function of the Commonwealth Women Parliamentarians (CWP) is to provide an opportunity for the women Members of the Commonwealth community and other interested parties to meet together to share experiences, discuss problems, seek solutions and discuss topics of particular significance or relevance to women, as a minority in the parliaments and legislatures of the Commonwealth. It provides an extra means of networking for individuals beyond the scope afforded by the program of the annual CPA Conference.

A further opportunity to raise the profile of women in Parliament was availed of when the Association conducted a satellite Workshop to the Seventh Meeting of Commonwealth Ministers Responsible for Women’s Affairs in Fiji in June 2004. Participants of the Workshop entitled ‘Gender, Development and Democracy’ concluded that Parliamentarians are strategically placed to provide leadership in advancing gender issues in political and decision-making processes. The participants forwarded a Communiqué to Ministers who were finalizing the new Commonwealth
Gender Plan of Action 2005-2015. The key message that participants conveyed to Ministers was that Commonwealth parliamentarians could play a crucial role as partners of government and civil society in achieving gender equality. They also urged Ministers to recognize that parliamentarians have a special responsibility to advocate equality, accountability and sustainable development.

At the 2004 Meeting of Commonwealth Minister’s Responsible for Women’s Affairs, Ministers reaffirmed the 30 percent target of women in decision-making in the political, public and private sectors by the year 2015 set by Heads of Government in 1997. However, it was recognized that most Commonwealth countries would have to make radical changes in the next few years if they were to meet that target. The numbers of women in Commonwealth parliaments is still low, having hovered around 12 to 13% for long periods. The numbers vary heavily from region to region and, within regions, there are significant variations between member countries. For example, some parliaments in the Caribbean (for instance, Saint Kitts and Nevis – IPU data from 2005) do not have any women MPs.

One possible method that countries are applying to incorporate more women into positions of leadership is the quota system. In this controversial practice, political parties reserve a number of their safe or winnable constituencies for women candidates. Some countries, like the UK, reserve spots on the voting ballots for women so certain percentage of the spots will be reserved for women.

Quotas are an attempt to minimize the inequality gap. By the end of 2004, 81 countries had adopted some form of affirmative action, such as party quotas or reserving seats for women in parliament to ensure their political participation. Most Commonwealth countries have continued to strengthen their democratic systems by increasing women’s representation through adoption and implementation of quotas and affirmative action measures. For example, Uganda introduced a constitutional reform measure to provide for one woman MP per district and one third of local political positions for women.

The Commonwealth recognizes that decisions on these matters are for each country to take and that the association can only make suggestions as to targets and other matters of broad policy. It has, however, initiated training and development
programs for women candidates in countries and regions that have welcomed such activities. These programs have achieved remarkably high levels of success.

The Commonwealth has created a Commonwealth Plan of Action (PoA) for Gender Equality 2005-2015. It is placed in the Commonwealth’s overall framework and agenda for development, democracy and human rights. The plan focuses on four critical areas:

1. Gender, democracy, peace and conflict;
2. Gender, human rights and law;
3. Gender, poverty eradication and economic empowerment;
4. Gender and HIV/AIDS.

This new plan provides the framework within which the Commonwealth will advance its commitment to gender equality and equity. The PoA incorporates the Commonwealth response to the different impacts of global changes on women and men, builds on achievements to date and seeks to close persistent gaps. Despite progress, there is still a clear need to accelerate the implementation by member countries of both key international conventions and treaties and national gender equality policies and programs.

<table>
<thead>
<tr>
<th>Region</th>
<th>Single or Lower House</th>
<th>Upper House or Senate</th>
<th>Both Houses Combined</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nordic Countries</td>
<td>40%</td>
<td>---</td>
<td>40%</td>
</tr>
<tr>
<td>Americas</td>
<td>20.6%</td>
<td>21.6%</td>
<td>20.7%</td>
</tr>
<tr>
<td>Europe OSCE (including Nordic)</td>
<td>19.2%</td>
<td>16.9%</td>
<td>18.8%</td>
</tr>
<tr>
<td>Europe OSCE (excluding Nordic)</td>
<td>17.3%</td>
<td>16.9%</td>
<td>17.2%</td>
</tr>
<tr>
<td>Sub-Saharan Africa</td>
<td>17%</td>
<td>17.6%</td>
<td>17.1%</td>
</tr>
<tr>
<td>Asia</td>
<td>16.4%</td>
<td>17.6%</td>
<td>16.5%</td>
</tr>
<tr>
<td>Pacific</td>
<td>12.1%</td>
<td>27.4%</td>
<td>14.1%</td>
</tr>
<tr>
<td>Arab States</td>
<td>8.2%</td>
<td>6.0%</td>
<td>7.7%</td>
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Source: [http://www.ipu.org/wmn-e/world.htm](http://www.ipu.org/wmn-e/world.htm)

Overall the position of the Commonwealth for ensuring greater participation of women in parliamentary spheres is that it is ultimately a matter of human rights and should be key to any country’s agenda for development.
Inside Commonwealth Parliaments

Parliament represents the highest law-making institution, but women who constitute the majority of the population are often marginalized from that decision-making process. Women’s representation in parliaments in the Commonwealth is usually much lower compared with men (See Table 6). Within parliament, women often occupy less powerful positions, which are often a reflection of unequal access to education, especially in developing countries, and social roles assigned to women in general. The socialization process tends to steer women along the study of subjects related to their expected roles and hence their involvement in parliamentary committees or appointment to ministries often reflects those roles.

Recent work in the Commonwealth and elsewhere has identified the obstacles to the fuller participation of women MPs within their legislatures as falling into four categories: political, cultural, institutional and psychological. This work is described below.

Political Obstacles

Historically, men have dominated politics in Commonwealth and other countries. In effect, positions within parliaments almost naturally became reserved for men and accordingly, procedures were established on this premise. When new legislatures were established, they freely borrowed patterns of work from the older ones and therefore, perhaps unwittingly, tended to continue the same traditions, which left women out of political decision making structures.

The victims of gender inequality alone cannot overcome the burden of changing attitudes; the support of male parliamentarians is crucial. Gender sensitivity training is, thus, important for both men and women parliamentarians. An attempt to change attitudes during an election campaign may not be pragmatic since both men and women parliamentarians will be competing for political office. It may be more advisable for parliamentarians to take advantage of the normal constituency meetings and political rallies to promote gender equality issues.
Once elected, women politicians are often faced with entry into a male-dominated bastion. Parliaments have tried to compensate for this to some extent through orientation programs that recognize the particular conflicts for women members. In some parliaments, a Minister in charge of Women’s Affairs or other central figure arranges for women members to meet and discuss common conflicts specific to women without reference to party loyalties.

An attempt to change attitudes during an election campaign may not be pragmatic since both men and women parliamentarians will be competing for political office. It may be more advisable for parliamentarians to take advantage of the normal constituency meetings and political rallies to promote gender equality issues.

Recommendations have been made in certain countries for all parties to have women’s caucuses to look after the interests of women. Discussion of gender issues in a women’s caucus can improve women’s confidence and their ability to articulate and address issues within their committees. Within the caucus, women are able to assist each other with information and access to women’s organizations. The Uganda Women’s Parliamentary Association (UWOPA) is a good example of women working together on gender issues. UWOPA has also taken the initiative and conducted workshops to educate specific target groups on content of the bill and its benefits to families.

Parliaments may also elect to examine draft legislation for its impact on women. Gender analysis entails a process of studying information to ensure that benefits of policies are equally distributed to all target groups. In regards to finance, the Commonwealth Secretariat has taken a leading role in encouraging countries to initiate gender responsive budgeting. Gender budgeting takes into account the inequalities that arise due to the different roles assigned to different groups in society. National budgets are developed as gender-neutral, but there is increasing recognition by governments that budgetary policies have different impacts on men and women. The budget, as an instrument for allocation of resources in a society, is probably the most effective mechanism that can be employed towards the attainment of objectives such as gender equality.
**Cultural Obstacles**

Gender refers to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relations between women and between men. These attributes, opportunities and relationships are socially constructed and are context and time-specific and changeable. Gender determines what is expected, allowed and valued in a woman or a man in a given context. In most societies there are differences and inequalities between women and men in responsibilities assigned, activities undertaken, access to and control over resources, as well as decision-making opportunities. Gender is a part of the broader socio-cultural context.

Creating a broader understanding of gender issues may help to break down cultural obstacles to allow for fuller participation by women in parliament. For example, just as the budget can be analyzed in terms of gender, so could all legislation and proposals put before parliaments and governments. This would help to ensure that gender sensitivity is entrenched in those who are called upon to make the decisions. Parliamentarians ought to understand that not all legislation affects the two genders in the same way or to the same extent. For example, poverty affects both men and women but it is often experienced differently by the two sexes because of the different social roles assigned to men and women. The social roles traditionally allocated to women often translate into reduced opportunities, security, and capacity as well as disempowerment.

Working together in the preparation of new versions of codes of conduct has also been suggested as a means in which both men and women may cooperate in achieving gender sensitization.

Traditional cultural barriers, which operate in certain countries against the interests of women MPs, have to be reversed. While this may not be achievable through legislation alone, it has been suggested that laws can emphasize, where possible, that the rights of men and women are the same. Legislative reform can help ensure the protection of women’s rights and equal access to justice. However, additional obstacles remain despite significant progress, thereby limiting the ability of many women to realize equality. For instance, poor women lack information, education and
access to legal processes, resulting in a gap between having equal rights conferred on them by legislation and the ability to enforce and enjoy those rights.

**Institutional Obstacles**

In many countries the procedures of parliaments have been put together over decades and many pre-date the times when matters relating to the rights of women were openly discussed. As a result, there are many rules and practices in parliaments that make the work of women MPs more difficult. These vary from the unsocial timing, for example arranging for debates during work hours so women MPs who have families can attend them, to the availability of services, such as baby and child care facilities in parliamentary buildings. Likewise the wording of Standing Orders often does not make a woman MP feel welcome. The use of gender-neutral language is a case in point. For example, titles such as ‘Chairman’ may be changed to ‘Chair’ or ‘Chairperson.’

Institutional barriers may also be overcome by the availability of suitable training programs for both men and women MPs. Media work, for instance, is often a high priority for newly elected women MPs. In certain cultures, journalists interviewing women MPs may not be at ease with the concept of women in positions of power. Consequently the atmosphere could be damaging to the interview and to the resulting report. Training programs for interacting with the media may prepare women MPs with the interviewing skills needed to effectively communicate both their points and their political stature to the interviewer.

**Women MPs in International Forums**

There is still a notable paucity of women representatives at international gatherings. Organizations like the Commonwealth Parliamentary Association (CPA) publish a list of conference delegates according to gender in an effort to create a name-and-shame operation for those who have a less representative parliament. However, the situation is unlikely to be remedied by such means alone since many conferences
held abroad constitute a major call on an MP’s time and may not reach the majority of parliamentarians.

**Conclusion**

As representatives of the people, parliamentarians are the bridge between the electorate and the government. This unique position presents parliamentarians with an opportunity to be change agents through their representational, oversight and legislative roles. There are signs that things are changing in Commonwealth Parliaments in regard to the position, treatment and standing of women. Such changes cannot be achieved by women alone, but in partnership with their male counterparts. Every person must have equal access to political, legal, and traditional institutions.

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**Unit 3 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.

1. What would be a realistic assessment of the number of women Members in the Parliament of your country in five years’ time?
2. Does the number of women Parliamentarians matter or is it a question of quality of those elected?
3. What role can the media play in helping women to attain their full potential in public life?
4. Discuss methods whereby staff may assist women Members to play a fuller role in Parliament.

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**Relevant Abbreviations**

- CHRI: Commonwealth Human Rights Initiative
- ComSec: Commonwealth Secretariat
- CPA: Commonwealth Parliamentary Association
- IntIDEA: International Institute for Democracy and Electoral Assistance
- IPU: Inter-Parliamentary Union
- UNDP: United Nations Development Program
- UNIFEM: United Nations Development Fund for Women
- WBI: World Bank Institute
Relevant Internet Resources

Commonwealth Plan of Action on Gender
http://www.cpahq.org/GenderPoA20052015_pdf_media_public.asp

ILO Mandate for Gender Equality

Select Bibliography

www.cpahq.org/topics/women/cwptoday

CPA (current). Data on Women in Commonwealth Parliaments.
www.cpahq.org/topics/default.aspx?id=10


IPU (current). Women in National Parliaments
www.ipu.org/wmn-e/world.htm


IntIDEA (current). Gender and Political Participation.
www.idea.int/gender


ComSec (current). Gender Responsive Budgeting. 


http://www.unifem.org/index.php?f_page_pid=34
Unit 4: Introduction to Parliamentary Procedure and Aspects of Debate

Learning Objectives
Why Procedure Matters in Parliament

After studying this unit, you should be able to:

- Understand the broad approaches to the work of a typical parliamentary session or day
- Appreciate the reasons for the use of various parliamentary procedures
- Describe some of the important aspects of the conduct of debates in parliament

Evolution and Sources of Parliamentary Procedure

Democratic parliamentary procedure has evolved towards a system in which a legislature can fulfill its mandates while respecting the rights of the various groups within it. For instance, democratic parliamentary procedure will allow the government to initiate procedures to attempt to get its legislative program through the House and provide a forum so that the opposition and private Members of Parliament (that is, those who do not hold office) may criticize proposed legislation or initiate counter-measures. Parliament attempts to ensure that, like the laws it passes, its procedures are fair and protect minority groups in the House.

The first and most important sources of parliamentary procedure are found in the constitution of the country. This document spells out the powers of the parliament to exercise the legislative power it derives from the people and the limitations placed on it and other entities, including the head of state. The constitution will also always specify the manner in which it may be amended by parliament. Secondly, legislation passed by the parliament itself may be a source of parliamentary procedure.

By far the fullest source of parliamentary procedure is the legislature’s own Standing Orders, which are created for the orderly functioning of the parliamentary process, generally with constitutional authority. Standing Orders are statements describing
the manner in which parliament should proceed under various circumstances. These statements can be amended by parliament by a simple majority vote.

However well drafted Standing Orders may be, they cannot attempt to meet every situation and may occasionally become obstacles to the consideration of some special item of business. The Standing Orders can never be ignored or violated, but the House can amend them or vote to suspend one or more of them for a particular, relevant occasion. The most common instances of suspension deal with extended sittings of the House or alteration of sitting days, or a day when the House or Parliament meets.

Parliament may also adopt Sessional Orders that have the same force as Standing Orders but that automatically lapse at the end of that session of parliament. They are, among other things, a useful means for testing out a new procedure during a set period before a decision is taken whether or not to include it in the Standing Orders.

Because Standing Orders cannot ever be complete enough to cover every contingency, Commonwealth parliaments rely also on two other sources of parliamentary procedure: conventions that are derived from consistent practice, and rulings given by Speakers. Not all parliaments accept that a Speaker’s ruling is a precedent for the future. While Speakers will take into account existing rules and practices in giving rulings, and while proceedings in parliament including Speakers’ rulings cannot be questioned in the courts, it is only the continued and consistent adherence to a ruling that will allow it to be regarded as a precedent in such parliaments.

**Parliamentary Terms, Sessions and Days**

A parliament is elected for a term of years fixed by the constitution (see Table 7). Within this period, parliament sits for a session at a time, usually of about a year’s duration but technically of indeterminate length. Within Commonwealth countries, parliaments have met for sessions of just a few days to a number of years. A session is initiated by a summoning of parliament by the head of state and ends with
a prorogation, proclaimed by the same authority, which is a recess between sessions. At the end of a parliament’s term, however, there is dissolution rather than a prorogation, or the period between two sessions of a legislative body, and fresh elections are called.

Parliament sits throughout a session, usually meeting on days specified by the Standing Orders. A session adjourns during the intervening periods, which are usually quite short. Adjournments are matters for decision by parliament and no other authorities are involved.

As noted above, a session of parliament is initiated by the Head of State. If it were the first meeting after an election, the first item of business would be the election of a Speaker, after which Members would be sworn or affirmed in to their positions. There would then be a ceremonial opening of parliament by the head of state at which the Speech from the Throne (sometimes called a Statement of Government Policy) would be delivered. In some jurisdictions it is possible for parliament to commence business without such a speech. But even where it is possible, such a situation is very much an exception as much of parliament’s business for any session is the consideration of policies outlined by the government in that statement.

For the business of parliament to take place, the constitution or Standing Orders would usually specify that a minimum number of Members, or a quorum, shall be present at all times. It is customary for the Speaker to carry on with business until the lack of a quorum is drawn to his or her attention. If the question is raised and the lack of a quorum is proved, the Speaker will allow a few minutes for the

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<th>Country</th>
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<tr>
<td>Australia</td>
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<tr>
<td>Zambia</td>
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Source: http://www.electionguide.org
necessary number of Members to be found, usually with the ringing of a quorum bell. If the quorum is still not found, the Speaker will adjourn the House until the next sitting. However the Standing Orders of some parliaments allow the Speaker not to adjourn the House but merely to hold over the business that was under consideration until the next sitting day, with the House meanwhile proceeding to the next item of business.

**Daily Business in the House**

The arrangement of business for a typical parliamentary day is usually specified in Standing Orders but varies considerably amongst the parliaments of the Commonwealth. However a listing based on sample Order Papers will demonstrate that all Commonwealth parliaments ultimately discuss the same broad range of business:

- Oath or Affirmation by a new Member
- Messages from the head of state (particularly in countries where the head of state occupies an executive position)
- Announcements by the Speaker
- Presentation of Papers by the Speaker or a Minister
- Presentation of reports of parliamentary committees
- Petitions presented by a Member on behalf of a citizen
- Questions to the Prime Minister or government Ministers
- Votes of Condolence on the death of former Members
- Motions for Leave of absence
- Ministerial Statements
- Personal Statements by Members
- Questions of Privilege
- Motions at the commencement of Public Business not requiring notice
- Motions at the commencement of Public Business requiring notice
- Public Business
- Private Members’ Business
- Adjournment

Matters relating to motions and debate are taken up in some detail in the following sections of this unit.
Motions and Debates

A motion is the basic building block of parliamentary procedure. It is simply a proposal to the House on which a decision is sought. It is achieved by the process of debate, which occurs between the moving of a motion and the final vote upon it. Members also use the term ‘debate’ more freely to describe the contributions to proceedings in parliament.

Motions are substantive if they can stand independently, by making a statement and seeking agreement by the House. They can give rise to subsidiary motions, which are derived from the content of a substantive motion or are dependent upon it, for example, an amendment to the original motion. Other descriptions can also be applied to certain types of motions, for instance, procedural, which deal with reopening of points of the agenda.

There are several stages observed in the process of moving a substantive motion through the House. The first is to publicize the motion to the Members (‘giving notice’ of it) so they are aware of the matter being raised. In most Commonwealth parliaments, any Member can move a motion provided that he or she has a seconder, or someone who also supports the motion. A seconder is required in all cases except those in which government business is reserved to Ministers.

Once a motion is on the Order Paper for the day it cannot be withdrawn unless the Member who submitted the motion seeks the agreement of the House to do so. In some legislatures it is a requirement that such agreement should be unanimous.

The Member who proposed the motion will move the motion to debate. The Speaker will try to give opportunities to supporters and opponents of the proposition to allow their voices to be heard. The Speaker may also accept amendments for debate if he or she considers that these are relevant.

Part of the responsibility of the Speaker is to ensure that debates are cogent and do not waste the time of the House. To do this Speakers will be very strict on irrelevancies and repetitions by those debating. Reference to other debates in the
House will not be permitted unless relevant and anticipation of further debates is also frowned upon. Members are also required not to comment on matters, which are before the courts (sub judice). However, exceptions may be allowed by Speakers especially where legislation is being debated so as not to constrict parliament’s legislative competence.

Time for the overall debate may be limited or there may be limits on the length of individual speeches. Each country’s parliaments create its own conventions and methods for handling these situations.

At the end of the debate, the Speaker will put the question under debate to vote, taking a vote or division on each amendment. Votes may be taken by voice, head count or electronically. In some countries, MPs have to divide themselves into different lobbies, or divisions, which is a time-consuming operation. If agreed to, the motion then becomes a resolution of the House.

There are various ways in which private Members, and those of the opposition, can raise matters of importance or interest. Standing Orders permit, for instance, motions or questions at Adjournment, which allow matters relating to public policy rather than individual grievances to be raised. While no vote is taken on adjournment motions, they are an effective way of keeping contrasting views in the public eye.

A Member who is speaking is allowed to continue without disturbance, but two exceptions are allowed to this. The first, which requires the agreement of the Member who is speaking to give way, is an intervention to seek clarification of what has been said. The second is a point of order, which is a question raised by a Member as to whether a violation of procedure has occurred: the Speaker will give an immediate ruling on this (and the Member who was speaking can then continue) but Speakers will always be wary of those who try to make debating points under the guise of points of order.

One last point must be reiterated about debate, which applies whenever a Member speaks in the House. This is the issue of personal or pecuniary interests, in which a Member has an interest that could monetarily affect him or her. These should always
be declared but most Members would rather not speak in debates where their interests may be called into question.

**Unit 4 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.

1. Make a summary of all motions moved in your parliament during the last three months and attempt classifications for them.
2. Votes are taken on amendments before the vote on the main motion. Can you explain why this should be so?
3. Do you think that the opposition in your country makes effective use of the opportunities given to them to raise issues in parliament?
4. In what ways do debates in parliament differ from debates in society?

**Relevant Abbreviations**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>CPA</td>
<td>Commonwealth Parliamentary Association</td>
</tr>
<tr>
<td>IPU</td>
<td>Inter-Parliamentary Union</td>
</tr>
<tr>
<td>NDI</td>
<td>National Democratic Institute for International Affairs</td>
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<tr>
<td>UNDP</td>
<td>United Nations Development Program</td>
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</table>

**Relevant Internet Resources**

Commonwealth Parliaments Association  

IFES Election Guide  
[www.electionguide.org](http://www.electionguide.org)

Inter Parliamentary Union  
[http://www.ipu.org/english/home.htm](http://www.ipu.org/english/home.htm)

**Select Bibliography**


Unit 5: Legislation

Learning Objectives
Defining Legislation

After studying this unit, you should be able to:

- Describe the different types of legislation that parliament considers;
- Understand the stages through which a bill passes to becomes an act or law;
- Distinguish between primary and secondary legislation.

What is Legislation?

In a civilized society there is a requirement for laws to be observed. For this to be credibly fulfilled, these laws must be created by a group of individuals that is representative of the People. The first responsibility of a parliament is thus the making of laws as reflected in the term ‘legislature’.

The legislature is defined as an assembly that deliberates and adopts laws and has the power to raise taxes, adopt the budget, and other money bills, and of which consent is required in order to ratify treaties and declare war. The legislature is known as both “congress” and “parliament” in nations around the world. In the parliamentary system the legislature appoints the executive, while in presidential or congressional systems the legislature is a power that is considered equal to and independent from the executive.

Parliament makes laws for a variety of reasons. The government would have come to power on certain commitments or promises to make or change laws to meet the varying needs of society. As the government proceeds
with its work, there will inevitably be other circumstances that necessitate handling through use of its law-making mechanism. Some situations that the government will face will stem from a combination of both of these factors.

Legislation thus derives from various pressures and is the answer to society’s needs for a well-ordered and just code of governance. While government, through its Ministers, will always be the chief initiator of laws, there are opportunities in democratic legislatures for non-Ministers, both from the government and the opposition, to present their own attempts to change the law or to influence draft legislation, though it would be optimistic to expect these to succeed without government support or cooperation.

**Types of Legislation**

Most bills, or drafts of proposed legislation, are presented by Ministers. They are therefore referred to as government bills in some legislatures. They are more generally described as public bills in the sense that they are inevitably matters that affect all citizens directly or indirectly. However, as noted above, a private Member, that is someone who is not the Speaker or a Minister, may also present a bill in most Commonwealth parliaments: in some parliaments these are termed Private Members’ Bills (See Box 6).

There is another form of bill that seeks to confer a benefit or right on some particular individual, group or corporate body. These too are usually presented by private Members but are generally termed private bills because they are not of universal or ‘public’ applicability. The terminology can be confusing as different parliaments may use different classifications of bills.

**Box 6**

**Successful Private Member’s Bills**

A **Private Member’s Bill** is a proposed law introduced by a backbench member of parliament. The following are examples of successful Private Member Bills from the United Kingdom:

- Murder (Abolition of Death Penalty) Act 1965
- Abortion Act 1967
- Charter Trustees Act 1986
- Law Reform (Year and a Day Rule) Act 1996
- Knives Act 1997
- British Nationality (Hong Kong) Act 1997
- Female Genital Mutilation Act 2003
- Gangmasters (Licensing) Act 2004
It is not too difficult to see that a bill may contain within it an exception that gives it the characteristics of both public and private applicability. Such bills are termed 'Hybrid' and are essentially treated in legislatures as public or government bills.

The drafting of a bill is a matter for specialists. In most cases, the genesis of the bill would be a Cabinet Paper or a request from a government department, which would be passed to the drafting authorities, whether they are parliamentary counsel or a separate legal drafting department of the government. The responsibility of these specialists is to convert an administrative document into a legal one, paying attention to the nuances of language and the structure required of a statute while researching possible conflicts with existing laws.

The passage of legislation

The first stage of a bill’s passage through parliament is called the first reading. Some countries require that all drafts be printed in a suitable medium such as the official Gazette while others do not even demand sight of the full bill at this stage. The ‘reading’ nowadays consists of the announcement of the title by the presenting Member or the Clerk/Secretary General though it refers to the fact that an actual reading might have been required in less literate times, a practice that still holds in some non-Commonwealth legislatures. The first reading is by practice in most countries a purely formal measure to introduce the bill to the legislature. In others there may be some discussion and possible reference to a parliamentary committee or a Member may call for a vote even at this early stage. If lost, the bill will go no further.

The Speaker will ask the presenting Member to nominate a day for the second reading. In certain parliaments, a specific date is fixed at this time while in others, the date is mentioned as ‘tomorrow’ which in parliamentary parlance means a date in the future to be fixed according to the demands of business and the availability of parliamentary time.

In some jurisdictions, a bill may be challenged in the courts at this stage for unconstitutionality. The courts will take the matter up as urgent business and
provide a determination as soon as possible: the constitution may specify a period
within which the determination has to be conveyed to the Speaker after which
parliament may proceed on the basis that it does not violate any constitutional
provision.

The bill now passes to its second reading in the House that is the stage at which the
policy aspects of the bill are discussed in detail. This gives the opposition, as well as
government MPs who wish to make their dissent known, an opportunity to suggest
other means for dealing with the issues behind the bill. A vote is taken at the end of
the debate and, if this does not result in a defeat, the bill will be referred to a
committee for closer examination, clause by clause.

A Committee of the Whole House or, more often, a standing committee, is set up to
examine the bill. Occasionally it may be a select committee but it is necessary to
note that various terminologies are in use in different legislatures, as discussed more
fully in the sections of this course dealing with parliamentary committees.

The Speaker does not generally preside over committees. However, in some
parliaments, he or she may do so when the Whole House forms the committee.
Where a Member other than the Speaker presides over a committee, that Member
has the same powers as the Speaker for handling the debate. Amendments to the
bill may be presented in committee and if accepted, will be forwarded to the House
as part of the committee report.

The next stage is the presentation of the committee report to the House, though this
is only a formality when the Whole House has formed the committee. This report or
‘consideration’ stage gives Members an additional chance to comment on
amendments that are suggested in committee.

The final stage of the passage of a bill through the House is the third reading. No
further substantive amendments are taken up at this stage, though drafting
amendments and re-numbering of clauses may be accepted. Generally there is very
little debate during the third reading, and a final vote is taken.
Where there is a second chamber or Upper House, the bill would now be sent there for handling according to procedure.

Finally, after safe passage through parliament, the bill is given assent, or agreement, by the Head of State. However, some parliaments allow the Speaker to issue the necessary certificate declaring that the bill has been converted into law.

When a bill passes successfully through parliament and has been given assent, the legislation has been enacted and the bill becomes an act or law. In the terminology of most parliaments, the clauses of the bill then become sections of the act or law.

It must be noted that parliament may attach a commencement date to an act. This allows an act to remain on the statute books but not to take effect until a certain date, which may be placed within the discretion of a Minister to nominate. Therefore, it may be possible for an act to never become effective, especially if the reasons that were urged for it at its original presentation to parliament are later found to be irrelevant.

**Primary and Secondary Legislation**

Acts or laws passed by parliament form the body of primary legislation. Many such acts allow the Minister in charge to make further rules, regulations or orders for the effective operation of the act or law. Parliament has, in these cases, effectively delegated some of its law-making powers to the Minister, or less frequently to another official, who formulates secondary legislation, also called delegated or subordinate legislation, under the parent law.

Parliament does this to allow government business to progress smoothly but the procedure is clearly a risky one. Generally, a legislature creates rules for the presentation of secondary legislation before the House within a specified period and may require examination of all such instruments by a committee of the House. Where this is not required, and if as a result, society feels that the executive has gone beyond its remit, it is easy to see that a large number of applications for writs in the courts may result from disgruntled citizens.
Several questions should be kept in mind when the power to formulate delegated legislation is written into a draft bill. For instance:

- Have guidelines been created which outline the procedures for drafting secondary legislation?
- How is the legislature to be made aware of the creation of secondary legislation?
- What are the legislature’s powers of scrutiny of secondary legislation?
- Will the legislature be able to amend secondary legislation?
- Does secondary legislation require affirmation or does it come into effect after a specified period?
- How may secondary legislation be revoked if necessary?

Some thought to these and other similar questions will help to prevent many of the problems that arise through the Members of the executive, wittingly or unwittingly, acting beyond their powers.

**Unit 5 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.

1. Using the terminology of your parliament, is there a distinction between a private Member’s bill and a bill to benefit a charitable organization?
2. Describe the work done in the legislature between the first and third readings of a bill.
3. Do you know of any act or law in your parliament or elsewhere which has been properly enacted but which has not yet been made effective?
4. How satisfactory do you believe the safeguards available in your parliament are in regard to the formulation of secondary or delegated legislation?

**Relevant Abbreviations**

| CPA       | Commonwealth Parliamentary Association |
| IPU       | Inter-Parliamentary Union              |
| NDI       | National Democratic Institute for International Affairs |
| UNDP      | United Nations Development Program      |
| WBI       | World Bank Institute                   |

**Relevant Internet Resources**
Select Bibliography:

Unit 6: Parliamentary Committees and Scrutiny of the Executive

Learning Objectives
Why Committees Matter

After studying this unit, you should be able to:

- Understand the purpose, role and functions of parliamentary committees;
- Understand why and how committees are established;
- Distinguish between the various types of committee;
- Explain how committees scrutinize the work of the Executive;
- Understand how committees operate and how they report back on completion of their work;
- Discuss the roles and responsibilities of the chair and Members of a committee;
- Consider resource requirements for fulfilling the responsibilities of a committee.

Introduction: What are Parliamentary Committees?

Parliamentary committees consist of groups of Members of Parliament (MPs), which are established by parliament to carry out specific tasks or functions that are committed to them. Committees are established for a variety of purposes. One of the most obvious is that a committee permits parliament to stretch its resources both in terms of people and of time to inquire into issues in ways that the full House would find cumbersome. In addition a less adversarial atmosphere might be found in a committee than in the full House of Members, which aids reaching a consensus on issues. In these smaller groups Members can also utilize or develop expertise in the committee specialty. Experts can also be called to committee meetings allowing parliament to apply skills that cannot be utilized during plenary sessions. An increasing number of parliaments hold their committee meetings open to the public and may also allow for input from the public through various mechanisms to increase citizen engagement. All this explains that meetings of committees, while attempting to observe the usual standards of parliamentary debate, can proceed more informally and expeditiously than plenary sessions and benefit from the relationships that develop among persons working together in order to achieve common objectives.
While most committees are made up of small numbers of MPs, parliament may also use the device of meeting as a Committee of the Whole House, during which all Members of Parliament may attend. This happens in cases of great importance or urgency or to save time in the consideration of non-controversial legislation.

The work delegated by the House to committees usually relates, as will be detailed later, to the examination of bills, the scrutiny of the operations of the executive or the investigation of some issue of public concern.

**Types of Committees**

The nomenclature of committees varies greatly within the Commonwealth, even to the extent that the same term may have different meanings in different legislatures. A classification will be attempted in this case, which should be a sufficient base for the purposes of this unit provided that this problem is allowed for in applying the discussion to any particular parliament.

The two epithets that are most commonly applied to committees are ‘standing’ and ‘select’.

In most countries, the term **standing committees** refers to those committees that are set up to scrutinize bills or to examine delegated legislation, as well as committees that are set up for special purposes, for instance, the Committee on Public Accounts (commonly referred to as the Public Accounts Committee or PAC), or those monitoring the work of government departments. These Committees are most generally established for a parliamentary session but, according to the practice of various legislatures, their life may be as short as the consideration of one specific bill or as long as the life of the parliament.

**Select committees** are constituted with very specific terms of reference to deal with issues of major public concern. For instance, a parliament may set up a committee to inquire into the behavior of a senior public official or to consider proposals for research on the human embryo, or to examine a particular bill or development proposals with wide-ranging objectives or consequences.
Most countries now have committees examining or monitoring the work of government departments. They may fall under either the select or standing committee categories depending on the practice in the country concerned, or they may be described separately as departmental, portfolio or consultative committees. The existence of these committees allows parliament to follow and inquire into the trends of governmental activity as they take shape, instead of being limited to commenting post hoc on the implementation of government policy by the departments they scrutinize. Further, as they inquire into current issues, they can make an important contribution to policy development, possibly ahead of the work of government.

All parliaments have some sort of committee arrangement to advise or assist with their own domestic and administrative concerns. They may include a committee on parliamentary business, a House committee dealing with matters related to the comfort and convenience of Members, a Library Committee, a Catering Committee and so on.

Where parliament consists of two Houses, it is usually possible and efficient to establish joint committees to examine issues affecting both Houses, for instance matters concerning parliamentary privilege.

Most parliaments formally provide for some of their committees to create subcommittees of their membership when this appears to be a sound way to carry out their duties. The Public Accounts Committee is a good example of one that often needs to use this facility to proceed expeditiously and efficiently with its work.

While much of the work of parliamentary committees will relate to the review of bills, they are also entrusted with scrutinizing how the executive implements the law with particular attention paid to accountability. This is referred to as parliamentary scrutiny or oversight of the executive. The theory is that a committee will perform this function using the evidence placed before it in a less adversarial manner resulting in a bipartisan (government/opposition) consultative effort to improve the performance and accountability of the executive.
Establishment of Committees

The setting up of committees is not a matter of constitutional procedure or design. They are established under the Standing Orders of parliament and reflect the evolution of each parliament’s practice. The full gamut of committees that are normally set up in a parliament may be specified in the Standing Orders with allowance for additional special committees as required. The general practice is that Committees of the Whole House are formed by resolution of the House. A Committee of Selection usually establishes the membership of other committees, itself sometimes chaired by the Speaker, but invariably comprising the leaders or chief whips of political parties. Standing Orders in certain parliaments reserve to the Speaker the right of nomination to certain committees. It is the practice in some parliaments for the government Chief Whip to table an agreed list of nominations to certain committees and to seek the agreement of the House for those appointments.

The number of Members serving on a committee is also set out in Standing Orders or is established by convention. However the usual practice is that the proportion of Members roughly mirrors the position in the House.

Parliament may restrict the number of committees, or the number of committees of a particular type, on which a Member may serve at any given time or during a parliamentary session.

The chairman of a committee may be elected by the committee, or be appointed as otherwise designated in the Standing Orders, usually by the Speaker. In some parliaments, the Speaker may be nominated as chairman of certain committees such as the Committee of Selection or of a domestic committee. But in others, the Speaker does not ever preside over a committee, even that of the Whole House.

In many Commonwealth parliaments, the chairmen of committees are appointed from the governing party though some parliaments spread the responsibilities of chairmanship in proportion to party strengths in the House. However in most there is a convention that a member of the opposition chairs the Public Accounts Committee. The convention extends to the similar Committee on Public Undertakings (or Public...
Enterprises) in those legislatures that have decided to appoint committees with that responsibility.

Even if Standing Orders do not specifically prohibit it, Ministers and their deputies are not usually appointed as Members of committees. Their volume of work outside parliament as a Member of the executive would itself militate against this. However they do sometimes serve, for instance, in small legislatures where non-office holders (private Members) are so few that the operation of committees would become impossible.

There is a recent development in some parliaments for Ministers to be appointed not only to serve but also to chair certain committees. These are the cases of consultative departmental committees where the idea is that parliament would keep the working of Ministries under constant review by ensuring that the Minister is required to report in this manner to the committee.

**How Committees Operate**

Committees are set up to examine and report on matters referred to them by the House or by the Standing Orders under which they are established. The chair has the responsibility to ensure that the committee undertakes the work referred to it.

The schedule of meetings is prepared in each legislature and takes into account when the committee may meet. A specified quorum is invariably necessary, as in the House, but while committees try to observe procedures as close as possible to those of the House, there are important variations. For example, Members are allowed to speak more than once on the same topic. The chair may be allowed an original vote (sometimes called a deliberative vote) in addition to a casting vote in the event of a tie. Less importantly, though quite significant, the arrangement of seats is more geared toward the carrying out of discussion in as consensual a manner as possible rather than reflecting the more adversarial arrangements in the main House.

Committees have very broad powers to send for persons, papers and records and may meet in places other than the committee rooms in the House. This enables
inquiries to be made without delay with the assistance of experts and other witnesses where necessary. Each legislature has to decide for itself whether the persons who may be summoned include Members of the House, and the extent to which calls may be made for papers and records in government departments. Answers to these issues have evolved in most legislatures through a process of pragmatic cooperation.

Any persons attending parliament in order to give evidence are protected by parliamentary privilege from interference or disturbance that is designed to deter or prevent them from doing so. As a corollary to this, legal proceedings in the courts cannot be brought against witnesses who have given evidence.

An important consideration for a legislature is whether meetings of committees should be open to the public. The pros and cons are fairly obvious: open meetings may prevent or inhibit exactly the kind of compromise and non-adversarial quality of discussion which committees seek to achieve, while on the other hand, the prevention of access to meetings may be seen as an important factor in low citizen engagement in the democratic process. Some legislatures that do not allow Members of the public access to meetings find a halfway solution by allowing public access to the records of meetings. Some legislatures provide for committees to deliberate in private but to collect inquiry evidence publicly. For example, they may authorize publication of written submissions and conduct hearings that are open to members of the public.

Where committees are allowed by Standing Orders to set up Subcommittees for the better and more expeditious performance of their functions, these would operate with the same powers as the parent committee. The Public Accounts Committee is one that often operates through subcommittees because of the wide-ranging nature of its work.

Committees may report back to the House in various forms. Committees considering bills will obviously report on any amendments they propose. Committees set up for special purposes will report on the results of their review. However there is great variation in practice about whether reports should be unanimous or not, the timing of reports publication, their presentation to the House, and whether debate will take
place in the House on the reports. Scrutiny committees find it very frustrating that there is often no mechanism for follow-up on their reports, though some countries have set up Committees on Assurances to check that the administration does indeed report on action taken following a demand from parliament to rectify some faulty procedure. A government may undertake to provide a formal response in the House within a certain period of time to the recommendations that have been made by a committee and may also report on its outstanding responses to reports. Similarly the House may receive from time to time reports on responses that are awaited.

**Scrutiny and Oversight**

In the congressional system, committees have a very important role to play in reviewing legislation and scrutinizing the work of the executive. In the Westminster model, the executive is chosen from members of the legislature. While therefore the review of draft legislation may be limited in its scope, there is no reason why this should extend to scrutiny.

Parliamentary control or oversight refers to checks on the implementation of the law by the executive. This can also mean the investigation of some particular issue or controversy but in this section the term is used to refer to the work of those committees that scrutinize the regular work of the executive.

Apart from departmental or consultative committees, the two most important committees established on a continuing basis for this purpose are the committee on Public Accounts (PAC) and the Committee on Public Undertakings (or Public Enterprises).

The function of these committees is to examine the expenditure of the sums granted by parliament for the work of government, and periodically to report on the accounts of the bodies concerned, their procedures, and their management. The PAC would concentrate on government departments while the Committee on Public Enterprises/Undertakings would turn its attention to nationalized industries and other corporate bodies in which the government has a major stake. These are huge responsibilities and no committee will ever claim to have made a full survey of the
issues of its time. In order to make some success of its work, a committee would depend heavily on the reports of the Auditor General (in some countries known as the Comptroller and Auditor General) whose duty is to certify and report on the accounts of government departments and public undertakings. The Auditor-General’s work is so sensitive that the post is usually a protected one under the constitution of most countries so that it may preserve the official’s independence and freedom. These operations are so bound up with the parliament’s function of financial scrutiny that the Auditor General is given the prerogatives of an officer of parliament, though not appointed by or subject to its administration. It is often recommended that the Auditor General should not be seen as a government auditor but as a full-time officer of parliament and that the PAC in particular should have the responsibility for guaranteeing his independence.

It is important for the work of the PAC that the accounts of government departments and public undertakings are made available as soon as practically feasible. Sadly this is not often the case in many countries of the Commonwealth and these committees can find themselves examining accounts of a bygone administration.

While it is important for the committee to examine such matters as excesses on approved expenditure and to report them to parliament, it is also realistic and useful for committees to use the comments of the Auditor General as a vehicle for the discussion of measures to obtain value for money in the future.

One of the problems for committees involved with scrutiny is that there is often a heavy turnover of Members that works against the continued efficiency of such committees. The reason given with regard to the PAC is that there are few political rewards from its membership, and some countries, in an effort to raise the status of the PAC to a position of eminence amongst committees, make a special remuneration to the chairman. Another question for Members has been whether they possess sufficient skills for carrying out their work and whether some form of training would not help to improve their contributions.

There has been some disquiet expressed about the real effect of scrutiny committees, namely, whether systematic and sustained scrutiny of the executive is achieved and whether government accountability to parliament and the transparency
of government operations has been increased by the work of these committees. Most parliaments need to examine their own records of performance because they do not sufficiently ensure the tabling of reports, debate on them thereafter, or follow-up on recommendations for action.

**Staffing and other Resources**

If a committee is to perform its functions satisfactorily, it must be assured of sufficient administrative and research support for its work. The Standing Orders may go no further than to require the Clerk (or secretary-general) of parliament to serve, or to provide a nominee to serve, as the Secretary to the committee almost as an unintended corollary, there has in general been very little effort in Commonwealth parliaments to ensure that adequate resources of staff and material are available for the work of the many committees that are set up ad hoc or required on a continuing basis by Standing Orders.

In the mature legislatures of the more developed countries, it is not uncommon to find 15 or more staff available to service a particular committee. This enables not only time to attend to the huge amount of administrative work involved in the organization of a committee’s operations, but also the necessary back up research. The general finding is that committees are far less generously staffed. Even in some countries that could afford better, it is regularly heard that inadequate staffing makes the work of most committees difficult. Since parliament is itself in a very powerful position to provide the necessary resources, there is always the suspicion that governments (and possibly, those who aspire to being in government some day) are quite happy to limit the capacity of the legislature to increase its investigative powers and its ability to hold the government accountable.

If a legislature is to make its committees more operationally effective, it must

(a) Estimate the staff and material requirements for each committee it sets up and provide those resources accordingly;

(b) Allow for the possibility that staff Members may have to carry out dual responsibilities (for other committees at the same time) in the estimation of required staff;
(c) Ensure that the staff appointed are sufficiently trained for all aspects of their work, from preparing agenda as required by the chairman or committee to keeping records and summoning witnesses;

(d) Determine whether the research work for the committee can be done by the same staff and whether they have access to information and communication technologies which will enable them to efficiently carry out such responsibilities in research, or whether additional staff should be recruited even on a temporary basis (this will not preclude the expert assistance of other specialists being needed as the work of a committee proceeds).

**Conclusion**

Committees play a large role in the day-to-day work of parliaments and provide an opportunity for Members to use their particular skills and to nurture their individual interests. They allow legislatures to pay closer attention to such matters as the details of bills or the work of the executive than would otherwise be possible. The nomenclature, number and functions of committees must suit the needs and resources available to each parliament. If they are suitably resourced and take their responsibilities seriously, they can make a very large contribution to the operations of parliament, to greater engagement of society in the business of legislation and ultimately, to the enhancement of the status and dignity of parliament.
Unit 6 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.

1. Explain the committee structure in your parliament.
2. Do you consider that it is suited to the needs of your country?
3. How may society – individuals as well as groups – contribute through committees to the work of the legislature? Is this considered desirable?
4. Do you think that the function of parliamentary oversight of the executive is carried out efficiently and efficaciously?

Relevant Abbreviations

CPA Commonwealth Parliamentary Association
IPU Inter-Parliamentary Union
NDI National Democratic Institute for International Affairs
UNDP United Nations Development Program
WBI World Bank Institute

Relevant Internet Resources

Australia’s House of Representatives Practice

Report of a CPA Workshop on Parliamentary Oversight
www.cphaq.org/uploadstore/docs/parliamentaryoversightoffinance.pdf


UNDP (current). Legislative Committee System
http://www.undp.org/governance/parldev/docs/legiscomm.doc

Select Bibliography


UNDP (current). Legislative Committee System. New York, UNDP.
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Unit 7: The Role of the Opposition

Learning Objectives
The Two Sides of Parliament

After studying this unit, you should be able to:

- Understand why an opposition in a democracy, is considered a necessary part of the legislative framework;
- Understand the various ways which an opposition may be perceived by the government, the media and society;
- Appreciate the manner in which even a numerically small opposition may influence parliamentary processes;
- Understand the duties of parliamentary staff in providing the support, which an opposition needs to fulfill its role.

Introduction: What does the term “Opposition” mean?

A democracy operates on the basis that there is room for choice all the way up to the selection of the government. This implies that the legislature, which makes the laws for the country, must itself provide an opportunity for various views to be heard throughout the term. These views should encompass not only those on the government benches (some of whom may want to suggest variations in procedure to those envisaged by the Ministers in the Cabinet), but also those who are opposed to the policies underlying the ways of operation. In other words, lawfully elected representatives of the people must be able to present and discuss alternative policy options even if they are not part of the government and do not have an immediate way of making their plans succeed.

Such a political grouping within a legislature is called the opposition and commonly refers to all those parties that do not constitute the government. The leader of the largest party in parliament becomes the Leader of the Opposition. That such opposition can be provided constructively without transgressing the constitution or being disloyal to the nation has been accepted by democracies for several centuries. In the United Kingdom, the term ‘His Majesty’s opposition’ was first used by the reformist MP, John Cam Hobhouse, in the early 19th Century and the use of the
related term ‘the loyal opposition’, is now commonplace in most Commonwealth legislatures.

Far from disloyalty, voters now expect that their representative will play an active role in parliament whether as a government or as an opposition MP. The acceptance by society of a valid role for the opposition is in itself an important underpinning for the work of the legislature. It is equally important that the government accepts a role for the opposition, however small it may be in relation to the government, and that the media give space to the views of the opposition in their reports of the affairs of parliament.

It is worthwhile to note that especially in legislatures where representatives are elected on a first-past-the-post system, a numerically small opposition may well represent a very large proportion of voters. Whether this is the case or not, the opposition clearly has a very important role to play in a democratically elected legislature.

**The Functions of the Opposition**

A Member of Parliament plays several roles in the legislature, sometimes summarized as a legislator enacting laws, a representative of his or her constituents, a scrutinizer of the work of the executive, and a supporter or critic of proposals laid before the House. Members of the opposition must accept that opportunities for their work as initiators of legislation will be limited but their role as representatives is undiminished and greater burdens devolve on opposition Members than on government backbenchers in regard to scrutiny and oversight.

At the same time, the opposition has a duty to themselves and to their voters to play the role of an alternative government and indeed, the role of a government in waiting. In the more mature democracies, this is well recognized and the leader of the largest opposition party is often given access to sensitive information on the basis that he or she, as the Prime Minister in waiting, has to be ready to perform the role of running the country at comparatively short notice. The opposition has the responsibility to give attention to the continuous development of its policies and to
keep these in view before parliament and the people. The major challenge for the opposition is its need to be seen as credible in this role. In order to do that it must be as responsible, respected and united as a political party and it must create policies that are relevant to the day-to-day lives of people. Parliament provides a good forum for an effective opposition and must be used as such.

The government also has its responsibilities to the opposition. In the first instance, sufficient resources should be provided for carrying out the work of a ‘loyal opposition’. There must be an adequate level of access to sources of information including those available to Ministers and their civil servants and for fair advice from parliamentary officials including parliamentary counsel or draftsmen where such persons are available. There must be some funding for publicity and for use of the media. Finally there must be recognition of the special place of the Leader of the Opposition and front-bench opposition spokespersons. It is instructive to note that, while the role of the opposition has been recognized for centuries, the payment of a salary to the Leader of the Opposition has been a practice for only a few decades even in the older parliaments.

**Scrutiny and Accountability**

One of the main functions of the opposition is its work in scrutinizing the operations of the executive, that is, exercising the oversight of the implementation of the law from the angle of performance and accountability and, especially, the use of the finances granted to the executive for its work. This is perhaps where an opposition can not only make a sound contribution towards the efficient running of the country but also can make its own points and demonstrate how their policies might have achieved better results.

There is a battery of mechanisms available to Members interested in scrutinizing the work of the executive. The most visible of these are questions put to the Prime Minister and Cabinet Ministers for answer in parliament. The opposition can also ask for time to debate or raise a particular issue, which will be allowed under Standing Orders and practices of most Commonwealth legislatures. Parliamentary committees involved with scrutiny provide the most extensive opportunities for the opposition.
However, some MPs will regard it as a disincentive that most of the work of committees goes unreported either because they meet in the House or because their work is less exciting to the media and to much of society than the debates in open parliament.

Oppositions sometimes feel that they should be given a majority on certain committees, especially those dealing with scrutiny. This is unrealistic as the purpose of setting up committees is not to create a majority where none exists. It must be accepted that the government was elected to rule and that the opposition’s role is constructive criticism and keeping alternative policies in view.

Once again, the opposition has to be adequately resourced if its Members are to raise questions and suggest methodologies that are well researched. Otherwise they could end up wasting the time of parliament with bad effects not just for the opposition but also for democracy as a whole.

**Legislation and the Opposition**

A common frustration among Members of the opposition is that, while the central task of a legislature is to carry out a program of legislation, they can only play what may seem a peripheral part in it. The frustration lies in the perception rather than in the reality because there are various ways in which the opposition can influence legislation and help or hinder its passage through parliament.

Much of this work will depend on the ways in which the opposition whips relate to their opposition counterparts on the government benches and the relationship with the Speaker in regard to fulfilling his or her function of permitting business to proceed expeditiously, but with adequate debate. While there will be debate in committees after a bill has been presented to the House discussion behind the scenes prior to the first reading can help to ensure that the government is fully apprised of the opposition’s position on the bill and is prepared to accept certain amendments.
The opposition can also present bills themselves, as can a government backbencher, under certain limited procedural conditions. However, they cannot be money bills. Only a Minister may present these in most Commonwealth parliaments. In addition, unless they are of the type that is classifiable as private bills or, related to granting a benefit to some private individual or group, and are not controversial in nature, they have very little chance of success because they are usually constricted by a time limit as much as by the lack of numerical support.

It is the duty of the opposition to make known in parliament the feelings of those sectors of society whose views may otherwise be ignored or unknown to the government.

**The Opposition and Cooperation with Government**

The opposition often has a difficult decision to make in regards to supporting government on a piece of legislation or in working to a consensus on a policy matter. This could be a statesmanlike approach and in the national interest, but the possibility of negative perception of such stances by civil society and the people can be damaging to the opposition. In particular important minority interests that the opposition represents may feel aggrieved or neglected if consensus is too easily reached. This may result in the opposition putting forward an alternative view even if the national interest dictates otherwise.

The opposition may have to be careful in how it presents itself in relation to particular non-governmental organizations (NGOs). These may have their own disagreements with the government and will seek to engage the opposition in their cause. If the opposition espouses the position of the NGO, this may be misunderstood by others to mean that the opposition agrees with the objectives and methods of action of the NGO. This may be far from the truth and could damage the interests of the opposition in relation to other components of society. The opposition must be willing to argue out its position with civil society and pressure groups.

In this unit we have discussed the role of the Opposition in the legislature to present a second side to the governing process. We have also discussed the various hurdles,
complications, and methods for overcoming them by the Opposition. In the next Unit we look at the role of MPs and Parliamentary Staff in the legislative process.

**Unit 7 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.

1. What roles may the opposition be called upon to play in the passage of legislation initiated by the government?
2. How should the government ensure that the opposition is adequately resourced to carry out its functions?
3. Would you expect government Members in parliament to cooperate with the opposition when it chooses to exercise its right of scrutiny over the executive?
4. What assistance can the Clerk or Secretary General and the staff of parliament extend to the opposition to help it in its work?

**Relevant Abbreviations**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>ComSec</td>
<td>Commonwealth Secretariat</td>
</tr>
<tr>
<td>CPA</td>
<td>Commonwealth Parliamentary Association</td>
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**Select Bibliography**


Unit 8: The Role of MPs and Parliamentary Staff

Learning Objectives
How Parliament Gets the Job Done

After studying this unit, you should be able to:

- Understand the differing roles which an MP is called upon to play in parliament;
- Compare the MP’s responsibilities in these different roles;
- Describe how the responsibilities can vary according to the expectations of the electorate that chooses an MP;
- Discuss the ways in which parliamentary staff may be called upon to support MPs in their work in parliament.

Introduction

In democracies, all Members of Parliament are elected by groups of citizens of the country irrespective of the kind of electoral system under which they are chosen. They come to parliament with expectations of their own to fulfil. The holders of important offices such as the Speaker and Ministers find that their responsibilities are primarily dictated and conditioned by their office. All other Members will remain ‘private Members’, that is, not office holders in parliament. They are nonetheless immediately confronted by a variety of responsibilities related to the roles they have to play in the institution.

The roles that most parliamentarians fulfill are often summarized as representative, legislator and scrutinizer of the government. The first refers to the fact that MPs have been elected to parliament as representatives of their electorates. The second reflects what most people see as the central responsibility of an MP, to pass legislation, whether original or changes to existing acts. The third covers the scrutiny or oversight that parliamentarians are expected to exercise over the workings of the executive including the implementation of laws passed by parliament. This function
also extends to the support or criticism of proposals placed before parliament by the government.

**The MP as Representative**

In any democracy, the representation of the people must be the basic source of authority for a body that makes the laws under which society operates. The electorate will therefore expect that their respective Member of Parliament represent their interests. Questions immediately arise: Who does the MP represent, only those who elected him or also those who opposed his election? What if a piece of legislation proposed by the MP’s own party is contrary to the wishes of his electorate?

Most MPs will agree that the only tenable view is that they are representatives, not delegates, of the people who elected them. They will try to exercise judgment on behalf of those they represent rather than subordinating their views to them. This does not mean that they can ignore constituency interests but it does mean acceptance of the position that the vast majority of MPs are elected as Members of political parties rather than as individuals and that the manifesto commitments of the party provide the platform for action.

MPs do try to meet their constituency commitments by regular meetings with constituents in their electorates. If these interests are not attended to, no amount of party commitment can guarantee a return to parliament at the next election.

It is sometimes argued that certain electoral systems, such as proportional representation, have removed some of the linkages between MPs and their constituents. While it is probably true in most countries that have adopted proportional representation that there has been distancing of constituents from their MPs, it could also be argued that there are now more representatives for a given area and that there is a better chance of having different interests heard and understood. Whatever the system of election is, access to one’s MP is a form of contact that is significant, important and greatly valued by voters. Without that contact, the basis for a democratic legislature could come under serious question.
Thus MPs find themselves not just the representatives of the electorate that chose them but also elements in a political party mechanism.

There is a third factor and that is their own position. MPs may sometimes find themselves not willing to be the delegate of either their constituency or their political party, but wanting to take up a position that is their own and to vote according to their conscience on some issue. Parties do allow some latitude to their MPs in certain cases so that they may vote in this manner.

There is one restriction that all parliaments place upon their Members as to representation and that is that they cannot appear before the House or in a parliamentary committee to espouse any view or to represent any individual, group or organization for a fee or reward.

**The MP as Legislator**

This is the most visible role that an MP is called upon to play, especially in an age when the media can carry not just words but images of events in parliament. Unfortunately, the legislative function is one that most MPs are ill equipped to carry out when they first enter the legislature and they can as a result become disillusioned.

In most countries, there is no formal training for new parliamentarians, despite the great responsibilities they hold. Political parties and parliaments must facilitate the learning experience for MPs and ensure that the legislative process is such that informed debate is promoted through sound arrangements ranging from orientation and development opportunities to properly supported committee procedures.

In all lawmaking MPs should remember that the citizens whom they represent want transparency and accountability to be built into all laws with the ability for the citizens themselves to engage more closely with, or at least to be able to follow, what happens in parliament and how their money is spent.
The MP as Scrutinizer

The backbench MP has several opportunities to help people achieve their desire for effective, accountable government. When taking the role of scrutinizer, well-informed MPs can support or criticize draft legislation. If they are supportive of the proposal, they may convince the people at large and fellow MPs of the necessity for a particular measure. They can, in theory, also criticize a weak or badly formulated bill to the extent that the sponsoring Minister may be forced to re-think it.

Much of this work is not done in the House but in parliamentary committees. There are plenty of opportunities for Members to serve in committees and, if the House and the government take the work that can be done in committees seriously, there is much that backbench MPs can contribute to the work of the legislature.

Apart from the discussion of draft legislation, committees supervise much of the internal workings of the House and, even more importantly, carry out the oversight function on its behalf. This includes performance and accountability checks on the implementation of the law by the executive from the angle of, and perhaps the investigation of some particular issue or controversy.

The regular work of the executive is examined through a legislature of departmental committees and more generally, by a committee on public accounts, commonly referred to as the Public Accounts Committee or PAC. A similar Committee on Public Enterprises or Public Undertakings (COPE or COPU) sometimes complements a PAC. These groups subject the financial operations of government and semi-governmental undertakings to close examination usually by reviewing reports of the Auditor General on the past year's accounts. Very often the whole management philosophy of a department or enterprise can be called into question by MPs who are willing to apply themselves to the necessary tasks.

Work as a scrutinizer enables MPs to complete their work in a full circle by examining whether the government has correctly used the funds released for its parliamentary operations. The reward is that MPs would have helped to make the processes of government more transparent and more accountable to the people who elected them.
Some particular considerations

All MPs will be limited in the way in which they can operate by their own environment. The Small States and small sub-national legislatures of the Commonwealth exemplify how smaller numbers of Members may make operation of the same number of committees as in larger legislatures infeasible though the necessity for committee operations may be even more marked. Powerful personal interests are more starkly shown in small societies with implications for the independence of MPs. There may however be greater opportunities for consensual decision making in such situations. The three functions of representative, legislator and scrutinizer must be balanced and settled in relation to the working environment.

The Role of Parliamentary Staff

In the Standing Orders of most legislatures, there is reference to one specific parliamentary official and that is the Clerk or Secretary General. Other officials are referred to as deputies or assistants of this central person though a few legislatures refer in addition to a Serjeant at Arms who is responsible for security.

Even the duties of the Clerk or Secretary General are spelt out broadly, defining only such tasks as keeping the minutes of the proceedings of the House and its committees, maintaining an order book and the safe custody of documents.

In practice the duties of the Clerk within the Chamber are much more onerous than a cursory reading of the Standing Orders would lead one to expect including advice to the Speaker on matters of procedure and precedent. Outside of the Chamber, he or she is a full-time official of the highest seniority in the service of the country and is supported by a variety of assistants apart from the other Clerks who may share the work in the Chamber.

In several Commonwealth countries the officials of parliament form a separate parliamentary service, distinct from the civil, or public, service and thus allowed a greater degree of independence in their work, with the post of Clerk constitutionally
protected for this same reason. In other countries however even the Clerk is drawn from the public service and may be returned to another appointment in that service after his or her term of office is completed.

Some parliaments have a number of parliamentary counsels permanently on their staff or seconded from departments of government for temporary service with parliament. They may include legal draftsmen to carry out the highly specialized task of committing proposals for new legislation into a form suitable for the statute book. Where parliament does not have its own drafting facilities, there is usually a department of government set up to deliver that service to parliament.

In general, all legislatures will usually have the following heads of department within them: the Clerk/Secretary General, the Sergeant at Arms, the Librarian and the Head of Hansard (the official report), with suitable arrangements for administration and finance, catering and other responsibilities as may be necessary.

All parliamentary staff are expected to be politically impartial in carrying out their functions and, while much of the time senior Members will be at the disposal of the Speaker, especially on sitting days, they must be willing and able to advise any Member on procedures that that Member could take to achieve a specific purpose. Many parliaments have staff that will assist a Member with such services as the drafting of questions to be put to Ministers, though of course they should not venture their opinions on the suitability of the position being taken by the Member.

MPs serving on committees feel the need for adequate research to be done by the committee staff serving them. This is not always available but must become the norm if committees are to perform the functions for which they were envisaged.

With the increase in the possibilities of rapid communication and access to information on the Internet, many parliaments now provide Members with computer terminals and appropriate training opportunities for their use. It is to be expected that the range of services provided by parliamentary staff, or demanded of them by Members will grow in the future and part of the responsibility of the Clerk/Secretary General is to anticipate these and advise the Speaker and the relevant House committees on methods of meeting the challenge.
Unit 8 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.

1. Describe the responsibilities that devolve on an MP and summarize the roles he or she plays in discharging these responsibilities.
2. Could there be a difference in the way an independent (non-party) Member of Parliament may approach these responsibilities?
3. Do you consider that MPs are sufficiently active in performing the duties associated with parliamentary oversight?
4. What training should be given to the various members of parliamentary staff to enable them to carry out their functions better?

Relevant Abbreviations

ComSec  Commonwealth Secretariat  
CPA  Commonwealth Parliamentary Association  
NDI  National Democratic Institute for International Affairs  
UNDP  United Nations Development Program  
USAID  United States Agency for International Development  
WBI  World Bank Institute

Relevant Internet Resources

CPA Report on Development of Knowledge-Based Parliamentarians  
www.cpahq.org/uploadstore/docs/PKPStudyGroupreport.pdf

http://www.asgp.info/reports/promoting_final_report.pdf

http://www.asgp.info/reports/2000_180_role_SG.pdf

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Unit 9: Parliament, its record keeping and the Media

Learning Objectives
The Back End of Parliamentary Work

After studying this unit, you should be able to:

- Describe the broad aspects of the administration of parliament;
- Appreciate the problems of record keeping;
- Understand what sorts of research and information services are required by Members of Parliament;
- Discuss the relationship parliament maintains with the media.

Organization and Structure

While there are broad similarities in the administrative frameworks of Commonwealth parliaments, each shows individual characteristics in its details. The authority that is responsible for the administration of the various areas or precincts of each parliament could, for instance, be a committee or an individual. Similarly there are variations in the number of departments or divisions that make up the administrative structure that the services provided to Members.

In most parliaments the Clerk or Secretary General oversees the whole operation of parliamentary administration under the guidance of the Speaker or a House committee and with the security assistance of the Sergeant at Arms. The Clerk is also the Accounting Officer for the legislature and is responsible for assuring that the budget is spent in the manner determined by parliamentary vote.

The appointment of these permanent officials of parliament may be effected in various ways according to constitutional requirements or practice. The Clerk usually holds a protected position under the constitution to permit him or her to advise and operate as an independent and impartial official. Other positions may have varying degrees of protection and, in some cases, may not even be Members of the
parliamentary service but public servants serving on secondment to parliament and returning to their own service at the end of a fixed term of office.

The responsibility of the Clerk for the spending of parliamentary funds implies that in some form or another he or she becomes involved in the preparation of budgets for parliamentary expenditure. Again this may occur under the guidance of a House committee or the Speaker. Issues relating to the salaries of Members and their superannuation arrangements are resolved by parliament, though it has been suggested that legislatures should accept a self-denying ordinance whereby they make rules for the salaries and pensions of successor parliaments rather than for themselves.

The budget of parliament will also cover salaries payable to MP’s assistants and allowances, such as travel. These vary hugely in the Commonwealth in regard to their amounts as well as in the practice associated with their usage.

**Records of Parliament**

All parliaments are justifiably and understandably careful of the arrangements made for the keeping of records. In fact it is not uncommon to find that the primary duty of the Clerk (as implied by the very name) is to keep a faithful record of the proceedings in the House and its committees, including the names of those attending and the decisions taken, and to circulate those records to all Members as soon as possible.

One of the issues in many parliaments in the Commonwealth has been the resolution of the question of the language or languages in which Members may address the House. If business is permitted in two or more languages, arrangements have to be made for simultaneous translation. Decisions are then necessary regarding the language or languages of record.

Parliament typically permits the press and public to attend its sessions in an effort to maintain a link with the public. Parliament can therefore decide at any time to hold a
closed or secret session. The proceedings in such a session will still be recorded but
the report will not be made public until it is so agreed by parliament.

On occasion the Speaker may rule that certain words should be expunged, or
removed, from the record or ask the press not to report some section of the
proceedings. It would be a breach of privilege if such an order or request were not
observed.

Research and Information Services

One of the services that Members need from parliament but often lack is sound
research and information. Their first recourse will be the library of parliament, which
has to be serviced by knowledgeable staff and be a repository of books and other
publications through which Members can bring themselves up to date on current
events and research.

The library staff should have the ability to contact other libraries and colleagues
around the nation and the world to collect information where it is not immediately
available in the parliamentary collections. Good press clipping services and copying
facilities are taken as granted. Through the access to the Internet that is now
available in all Commonwealth parliaments, library staff should be able to put
together at suitable notice, a well-researched brief for a Member attending a
conference or wanting to state his position in his own legislature.

Unfortunately many Commonwealth parliaments have weak library systems.
Parliamentary institutes with a mandate to provide information and training may be
able to assist with problems of research and information. These are sometimes part
of the parliamentary structure, as with the Legislative Information Centre (LIC) in
Bangladesh or the Bureau of Parliamentary Studies and Training (BPST) in India, or
they may be independent bodies as in the case of the Parliamentary Centre in
Canada.
The Press, Radio and TV

Parliament and its Members rely on the print, audio-visual and electronic media to provide some of their strongest links with the community at large. In order to be effective and accurate, parliament must facilitate the work of the media and the media must present their reports in a fair and unbiased manner.

Many parliaments make arrangements for continuous liaison with the media, and the media are made familiar with the rules of coverage in parliament. Parliamentary or lobby correspondents are given access to the press gallery and to Members whom they wish to interview or who may wish to see them. In many parliaments, special relationships based on mutual trust have grown between Members and correspondents. This kind of understanding may even extend to briefings by officials.

Radio and television broadcasts of proceedings in parliament are now common in many countries (See Box 8). Parliament will always be careful to see that its Members’ interests are suitably protected in these processes and rules are therefore laid down about the manner in which recordings may be transmitted or used later.

Box 8
Televising the Government and Parliament

In the United States the cable television industry provides coverage of public affairs events through a private, nonprofit television channel called C-SPAN. Its mission is to provide public access to the political process, but it receives no government funding, and is, rather, paid through fees by cable and satellite affiliates who carry its programming. C-SPAN provides coverage of a variety of public affairs events. When they are in session, the networks are committed to televising the U.S. House of Representatives and the U.S. Senate. In addition, C-SPAN covers congressional hearings, White House press briefings, speeches, and other important public affairs events.

One common problem in political reporting often commented upon is that while journalists are often good political reporters, they have not sufficiently studied the way parliament works. The setting up of a parliamentary committee to supervise arrangements for the media and for their reporting is therefore not uncommon, but as a result disputes often arise regarding the extent of editorial control being exercised.
Relations between Parliament and the Media

Parliaments and the media have often come together nationally and internationally to try to determine the best ways to meet their common objective of keeping society better informed of the work of the legislature and the government.

The media are keen to be accepted by the legislature and government as a legitimate vehicle for communicating legislative and policy initiatives and for the reflection of public opinion. They are not willing to subordinate their watchdog role in reporting the work of parliaments and governments. In fact, they would like to have access to information and documentation produced by parliaments including those held in parliamentary libraries and quicker release of speeches after delivery in the House.

Parliament hopes for fair and unbiased coverage without the media putting a slant on proceedings according to the politics of the journalist, editor or proprietor. While everyone has a right to his or her opinion, parliamentary and political news coverage and analysis should be separated from these opinions. However politicians themselves have not been averse to finding ways to suppress the views of their opponents.

Both parliament and the media, not to mention society in general, have been concerned with the recognition of every person’s right to information and the right to express opinions. These have to be balanced against every person’s right to privacy and the protection of their reputation. Each society has to come to its own conclusions about the principles that should be applied and the policies that should be created for the good of all Members of that society.

The current trend is for the regulation of media to be given to independent bodies so that the need for transparency and accountability on the part of government may be more fairly viewed against the need for honest and factual, though rapid, reporting on the part of the media.

Parallel with this has been a tendency to reduce the impact of criminal defamation laws that subject the media to punitive controls.
Much of the resolution of these questions may be found in better training opportunities for both sides. The need for higher levels of reporting in the media is as great as the need for levels of debate in parliaments. Many Commonwealth countries have yet to utilize the advantages of the newer information technologies, which have the potential to relieve some of the issues that cause friction between parliaments and the media.

In the future parliamentarians will be faced with a broad array of groups such as the media who are armed with technological capabilities and who make greater demands for increased accountability and transparency. This will mean that they too must maintain better systems of communication with the media and with constituents. They must be willing to become lifelong learners to fulfill their changing roles as new technologies present them with new challenges.

Unit 9 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.

1. How does the management and administration of parliament differ from that of a regular government department?
2. Is the reporting of parliamentary proceedings in the media in your country considered satisfactory by the average person?
3. List the ways in which the new technologies, as available in your country, may help MPs with their research and information needs.

Relevant Abbreviations

CHRI Commonwealth Human Rights Initiative
ComSec Commonwealth Secretariat
CPA Commonwealth Parliamentary Association
IFLA International Federation of Library Institutions and Associations
UNDP United Nations Development Program
WBI World Bank Institute

Relevant Internet Resources

CSPAN
www.cspan.org

Select Bibliography


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Unit 10: Ministers, Members, Staff and Public Servants

Learning Objectives
How the Cycle of Stakeholders Interacts

After studying this unit, you should be able to:

- Understand the responsibilities of Ministers in parliament;
- Appreciate the way in which Members are to conduct themselves in and outside parliament;
- Describe how parliamentary staff and public servants relate to the work of parliament.

Ministers in Parliament

In Commonwealth parliaments, Ministers are Members of Parliament and the executive is chosen from the legislature. One of the primary reasons for this is to ensure the accountability of the executive to parliament.

Accordingly, Ministers must be available to parliament to answer for governmental policy in their ministries or departments. Sometimes this is done through senior civil servants who provide their expertise in such areas as agriculture, labor, education, justice, and many other areas. Questions, issues or requests for information raised by MPs in the House or in committees must be answered in an open, transparent, and truthful manner. The extent to which a Minister can be compelled to answer may vary among legislatures. However, there may be, for instance, some security considerations that prevent a Minister from giving a full answer to a specific question, but a Minister who willfully and knowingly misleads the House will not have the confidence of that body and, in such circumstances, might have to face a charge of contempt of the House and resign when the true facts are exposed.

Senior civil servants may also be questioned by parliament, usually at a committee. There have been questions raised as to whether it is reasonable for parliament to require the attendance of a particular public official. While parliament will certainly
expect persons of appropriate seniority and responsibility to be sent before a committee, the choice of who attends is normally left to the Minister. However, the Minister must accept that whoever attends is able to represent and speak for the department or Ministry and therefore, the Minister.

In certain countries there is a convention for Ministers to resign their offices if there is a disaster or scandal in the Ministry or department that may become the subject of a public inquiry. He or she resigns not so much as a gesture to accept responsibility in the widest sense but to give the inquiry complete freedom and to relieve the party of any possible charge of interference with the inquiry. A Minister who observes this convention shows that he or she is taking the issue of accountability very seriously.

The concept of accountability is seen in sharpest focus in the position of the Minister of Finance. Where the parliament is bicameral, the Minister of Finance is selected from the membership of the Lower House, which is always directly elected by the People. Taxation and representation remain very closely connected in Commonwealth parliaments.

**Members of Parliament: Privileges and Responsibilities**

From the moment they are elected, Members of Parliament become subject to conventions and rules that govern their conduct both within and outside the House. If they are appointed to an office such as that of the Speaker or Minister, they will have specific responsibilities to accept and additional rules to follow but even private Members, as non-office holding MPs, must be aware of the level of behavior expected of them.

They are reminded of these when they subscribe to an oath or make an affirmation as their first duty in parliament. This is subsidiary only to the duty of electing a Speaker who administers the oath or affirmation to them.

With that oath, parliamentarians must now make the work of the House a priority over other duties. Absence from the House over extended periods without being granted leave could lead to the vacating of their seat in certain parliaments.
Repeated absence from meetings of parliamentary committees may similarly lead to the vacation of the seat on that committee.

Some parliaments have consolidated the conventions and rules governing the conduct of Members into codes of conduct. These remain enforceable by parliament rather than by the courts even if some of the articles are matters of common law.

A declaration of financial and other interests is required in many parliaments and the data released are made available to the public. If Members take part in a debate in the House or a discussion in one of its committees dealing with a matter where their personal interests are relevant, they are usually required to acquaint their audience of that fact.

Standing Orders always require Members not to espouse any view or represent any individual, group or institution for a fee or reward in proceedings in the House or in committees.

While the greatest stress is always laid on financial and other material factors, MPs are asked by these codes to bear in mind that their conduct must be determined by the imperative of strengthening public confidence in the institution of parliament and upholding its dignity. Codes may therefore go into some detail as to matters of accountability and transparency in the broadest usages of these terms.

Parallel to these responsibilities, Members are provided with certain privileges and immunities from prosecution in the courts that enable them to carry out their duties in the manner envisaged. Thus they are guaranteed freedom of speech in parliamentary debate subject only to the orders governing debates in the House. MPs are protected from actions for libel in the courts but may be punished by the House if their conduct is offensive. There is an interesting and growing body of cases on the extent to which this privilege may extend outside of parliament.

Another major safeguard provided to many Members is freedom from arrest. This is said to have originally arisen from the need to protect Members from arrest for debt or other civil matters that would prevent the Member from representing his
constituents in parliament. It does not protect the MP from arrest on a criminal charge though there are additional formalities to be observed in such cases.

Parliament also protects its Members from intimidation or disturbances in the performance of their duties. This extends also to improper influence such as bribery or other pressure to carry out an act.

**Parliamentary Staff**

As with Members of Parliament, the staff of parliament are also given certain privileges by parliament in regard to carrying out their work. This distinguishes them from other public servants (who may of course be separately protected by some specific law applicable to them).

It would be contempt of the House to obstruct a member of the parliamentary staff in the execution of the duties devolved on them by the House by way of threats, physical restraint or any act that may be regarded as an inhibition to deter them from doing their work in the future.

Parliament is the sole judge of the correctness of its procedures and proceedings: members of the staff of parliament are protected from the necessity of giving evidence in the courts or elsewhere about any aspect of these procedures and proceedings.

It is necessary to note that the term ‘parliamentary staff’ may not include all persons working within the precincts of parliament. For instance, at any given time, there may be persons working as assistants to Members who do not fall into this category.

**Public Servants**

The great majority of civil or public servants will come into contact with parliament through such work as advising their Minister. A significant few will however be
required to attend a parliamentary proceeding, for instance, to give evidence to a committee. If necessary, they could be asked to attend or even summoned to do so but they would in most such cases be representing their Minister.

In certain circumstances public servants may find themselves having to carry out an instruction of parliament. Refusal to do so may be dealt with as contempt of parliament. Similarly, anyone who molests a public servant in the course of carrying out an instruction of parliament would be guilty of the same offence.

### Unit 10 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.

1. Do you think that Ministers should be allowed to excuse themselves from giving evidence to parliamentary committees on the grounds that they are always open to question in parliament?
2. Draw up a basic list of immunities and privileges given to Members of Parliament: what does society think of them?
3. In what ways is the parliamentary staff in your country protected in carrying out its duties?

### Relevant Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>CPA</td>
<td>Commonwealth Parliamentary Association</td>
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<tr>
<td>IPU</td>
<td>Inter-Parliamentary Union</td>
</tr>
<tr>
<td>NDI</td>
<td>National Democratic Institute for International Affairs</td>
</tr>
<tr>
<td>UNDP</td>
<td>United Nations Development Program</td>
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<td>USAID</td>
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<td>World Bank Institute</td>
</tr>
</tbody>
</table>

### Relevant Internet Resources

Commonwealth Parliamentary Association
[www.caphq.org](http://www.caphq.org)

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www.cpahq.org/uploadstore/docs/PKPStudyGroupreport.pdf


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http://www.undp.org/governance/parldev/docs/internalorg.htm


http://www.asgp.info/reports/2000_180_role_SG.pdf
Glossary

Act – A law made by a legislative body and given assent by the head of state.

Aso Rock (Nigeria) Declaration of 2003 – A meeting of the high-powered experts on development and democracy that stressed the necessity for development efforts to take a pro-poor stance.

Auditor General – Also called the comptroller, this official is responsible for scrutinizing the executive, especially in its financial operations, without receiving reports from the Auditor General and being able to rely on that official’s assistance in deliberating on his or her findings at the meetings of the Committee on Public Accounts and, where it exists, the Committee on Public Enterprises.

Balfour Declaration of 1926 – The document that first gave definition to dominions as autonomous communities within the British Empire, though united by a common allegiance to the British Crown and freely associated as members of the British Commonwealth of Nations.

Bicameral legislature – A system of government in which the legislature comprises two Houses. Originally it served to represent the interests of both the common people and the elite to ensure deliberation over legislation. Each House has powers not held by the other, and measures initiated by one House require the approval of both Houses to become law. Many contemporary federal systems of government have bicameral legislatures.

Bills – Drafts of proposed legislation.

Cabinet Paper – A request from a government department that will be passed to the drafting authorities to be converted from an administrative document to a legal one.

Casting vote – A vote given to the presiding officer of a council or legislative body in order to resolve a deadlock.

Committee on Public Undertakings – A parliamentary committee that examines the reports, context, autonomy and accounts of public undertakings.

Committee of Selection – The group that appoints committees on private bills, selects Members to serve on standing committees, and chooses the membership of all select committees. Names are put forward to the committee by the party whips and the committee can either accept or reject these recommendations. The committee's recommendations must be voted on by the Whole House and are sometimes overturned.

Committee of the Whole House – Consisting of all Members, this committee provides a forum for a bill to be analyzed in a more informal manner, for example Members are able to speak more than once and raise specific issues on the operation of the legislation. It allows a question and answer session to take place between Members and the Member in charge of the bill. The Committee of the Whole is presided over by the Chairman of Committees instead of the Speaker and its functions are exercised apart from the House so much so that the House does not recognize its proceedings until the Chairman makes a report. The function of the Committee is to
go through the bill clause by clause and if necessary word by word with a view to making the bill more acceptable to a majority of the Committee.

Commonwealth – A voluntary association of independent nations and dependent territories linked by historical ties as parts of the former British Empire and cooperating on matters of mutual concern.

Commonwealth Business Council – The organization that provides leadership in increasing international trade and investment flows, creating new business opportunities, promoting good governance and corporate social responsibility, reducing the digital divide and integrating developing countries into the global market. In fulfilling its mission, CBC strives to provide a bridge between the private sector and governments, between emerging markets and developed markets and between small businesses and the international private sector.

Commonwealth Fund for Technical Cooperation – The principal means by which the Commonwealth delivers development assistance to member countries. It operates on the principle of mutual assistance, with member governments contributing financing on a voluntary basis and obtaining technical assistance as needed.

Commonwealth Foundation – An intergovernmental organization, resourced by and reporting to Commonwealth governments, and guided by Commonwealth values and priorities. Its mandate is to strengthen civil society in the achievement of Commonwealth priorities - democracy and good governance, respect for human rights and gender equality, poverty eradication and sustainable, people-centered development, and to promote arts and culture.

Commonwealth Games – A multinational, multi-sport event that is held every four years involving the elite athletes of the Commonwealth of Nations. Attendance at the Commonwealth Games is typically around 5,000 athletes.

Commonwealth Heads of Government (CHOGM) – Meetings among heads of parliamentary governments held every two years to reiterate the core values and principles of the Commonwealth and to review its performance and global relevance.

CHOGM Declarations – A series of agreements on the Commonwealth’s principles and aims that are written through declarations or statements issued by Commonwealth Heads of Government at various summits. They constitute a foundation of Commonwealth values and a history of concern in global affairs.

Commonwealth Journalists Association – A network of working journalists throughout the 54 countries of the Commonwealth, with a head office in Trinidad. Its main purpose is to provide a professional network for help, training, and lobbying.

Commonwealth of Learning – A non-degree-granting Commonwealth University.

Commonwealth Local Government Forum – An organization that works to promote and strengthen effective democratic local government throughout the Commonwealth and to facilitate the exchange of good practice in local government structures and services.
Commonwealth Ministerial Action Group (CMAG) – A rapid action force that was set up as a result of the Milbrook Declaration to take action against all Members who did not uphold the Harare principles.

Commonwealth of Nations – Created as a result of the London Declaration, this is the term given to nations that are part of the British Commonwealth.

Commonwealth Parliamentary Association (CPA) – An organization with a total membership of around 15,000 and 53 nations that seeks to advance parliamentary democracy by enhancing knowledge and understanding of democratic governance by organizing conferences, seminars, and study groups that are aimed primarily at parliamentarians and parliamentary staff.

Commonwealth Policy Studies Unit – A think tank for the contemporary Commonwealth.

Commonwealth Secretariat – A commission meant to implement Commonwealth decisions and foster relations between Commonwealth Member countries.

Commonwealth Women Parliamentarians – A network of women parliamentarians that provides the opportunity for its Members to share experiences, discuss topics of interest and seek solutions to the issues faced by the female minority in parliaments.


Constituents – A citizen residing in the area governed, represented, or served by a politician.

Constitution – The system of fundamental principles according to which a nation, state, corporation, or the like, is governed.


Counsel – The advocate or advocates engaged in the direction of a cause in court; a legal adviser or counselor.

Dominion – A former colonial state that is self-governed and independent in foreign affairs.

Edinburgh Declaration of 1997 – A declaration of Commonwealth states that deals with economic matters, globalization and people-centered development.

Election Observer Groups – Groups of non-partisan individuals who are charged with observing elections to ensure that the election process is fair.

Entrenched clause – A constitutional provision that makes certain amendments more difficult to pass than others, and may prevent the resignation by parliament of its legislative powers.
**Fancourt Declaration of 1999** – A declaration that commits the Commonwealth to play a greater role in providing practical assistance for the creation of capacities needed to promote people-centered development.

**First-past-the-post** – A voting system in which a single winner is chosen in a given constituency by having the most votes, regardless of whether or not he or she has a majority of votes.

**First reading** – The first stage of a bill’s passage through parliament. By practice in most countries, it is a purely formal measure to introduce the bill to the legislature, but in others there may be some discussion and even reference to a parliamentary.

**Hansard** – The official record of parliamentary debates.

**Harare Declaration of 1991** – The declaration that reaffirms Commonwealth principles originally set down in 1971 in the Singapore Declaration. It makes a robust stand against terrorism, promises to pursue measures to make the equality of women and their full participation in public life a reality, made specific decisions related to the promotion of sustainable development, and stresses on the promotion of democracy.

**Hybrid bill** – A bill that applies to public and private life and is treated in legislatures as a public or government bill.

**Institute of Commonwealth Studies** – A research institute founded in 1949 at the University of London that has its base in the Commonwealth Policy Studies Unit, a think tank for the contemporary Commonwealth.

**Joint Committees** – Parliamentary committees that are set up to examine issues affecting both Houses.

**Leader of the House** – An individual who is usually considered a government Minister and who has special responsibilities for government business in the legislature and therefore for safeguarding the privileges and procedures of the House.

**Leader of the Opposition** – The title traditionally held by the leader of the largest party not in government in a Westminster System of parliamentary governance. This individual is seen as the alternative Prime Minister to the present incumbent, and heads a rival alternative government known as the shadow cabinet or opposition front bench.

**Limassol Declaration of 1993** – A declaration on the Uruguay Round that calls for trade agreements, which allow poor countries access to the world, market and gives preference to them where necessary.

**London Declaration** – As a result of the meeting of Commonwealth Prime Ministers in 1949, this declaration allowed countries with republican constitutions to remain Members of the Commonwealth while accepting the British monarch as a symbol for free association and the head of the Commonwealth.
Lower House – One of two chambers of a bicameral legislature that, under parliamentary systems, usually designates the head of government or Prime Minister, and may remove them through a vote of no confidence.


Millbrook Declaration of 1995 – A declaration in which Commonwealth leaders decided that firm action would be taken against Members who did not uphold the Harare principles, even by suspension of participation at Commonwealth meetings or with complete suspension from the Commonwealth.

Motion – A proposal to the House on which a decision is sought. The motion is the basic building block of parliamentary procedure and is achieved by the process of debate, or the proceedings between the moving of a motion and the final vote upon it.

Opening of parliament – An annual event that marks the commencement of a session of Parliament.

Order Paper – A document issued daily that lists the business that will be dealt with during that day's sitting of the House of Commons. It provides MPs with details of what will be happening in the House throughout the day and gives details of when and where the standing committees and select committees of the Commons will be meeting.

Parliamentary Commissioner for Administration – The individual hired by parliament to investigate complaints from the public of maladministration that affects their rights.

Parliamentary committees – Groups of Members of Parliament that are established by parliament to carry out specific tasks or functions permitting parliament to stretch its resources both in terms of people and time.

Presiding officer – An individual in legislature who oversees the procedures of debate as an impartial authority. This individual may also be called speaker, president, chairman or chair.

Public Accounts Committee – A select committee that is responsible for overseeing government expenditures to ensure they are effective and honest.

Republican – A form of government in which the supreme power lies in the body of citizens who are entitled to vote for officers and representatives who are responsible to them.

Royal Commonwealth Society – A community that provides information and education about the Commonwealth to all interested persons.

Second chamber – The Upper House in a bicameral legislature.

Secretary General – The head of the Commonwealth Secretariat who holds the association’s highest executive post.
Select Committees – Parliamentary committees that are constituted with very specific terms to deal with issues of major public concern.

Sergeant at Arms – The officer who is responsible for the security of the House and for physically enforcing the orders of the Speaker, for instance, in ensuring that suspended Members are removed from the House if they do not leave when ordered to do so by the Speaker.

Session – A period of a parliamentary post.

Sessional Orders – Standing Orders that automatically lapse at the end of that session of parliament.

Singapore Declaration of Commonwealth Principles – The declaration that outlines the core principles of the Commonwealth. It speaks of the belief that the Commonwealth can expand human understanding among nations, assist in the elimination of discrimination based on differences of race, color or creed, maintain and strengthen personal liberty, contribute to the enrichment of life for all, and provide a powerful influence for peace among nations.

Standing Committee – A committee that is set up to examine a proposed bill in parliament.

Standing Orders – Statements that describe the manner in which parliament should proceed under various circumstances. These statements can be amended by parliament by a simple majority vote.

Statute of Westminster in 1931 – A document that gave legal backing to dominion arrangements for colonies of the British Empire.

Subcommittees – A committee that is a subset of a larger committee.

Unicameral parliaments – A parliamentary system with only one legislative chamber.

Upper House – One of two chambers of a bicameral legislature.

Whips – A Member of a political party in a legislature whose task is to ensure that Members of the party attend and vote, as the party leadership desires.