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Positive Parliament

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This work is designed to familiarise citizens of South Africa with what are likely to be little known aspects of their Parliament. Not only does it promise to differentiate and contextualise the role of the party within parliament in simple terms, it also aims to provide a brief snapshot of some of the more positive elements of parliament (as perceived by its workforce) so that those on the outside may have a glimpse into its institutional life (and with it, the foundations of a nascent trust in its work.)

About the author: Kristen Heim, PhD, is a legislative scholar and parliamentary capacity development expert with nearly 15 years experience supporting parliamentarians across Europe and Africa. Her current research focuses on parliaments' engagement in tax policy and how parliaments learn how to be parliaments.

The views of the writer and this piece are not necessarily the views of the Konrad-Adenauer-Stiftung.

How to know when your political system is due for a change? The only task more difficult than judging how well a parliament is 'performing,' is working out how to make such an assessment. This briefing provides readers with some starting points on how to assess a parliament, along with how they can help it function as it should.

How to assess how well a parliament is doing?

This is, admittedly, a loaded question. Any assessment will depend on the metric ultimately chosen. And the act of privileging any one metric over the other is an inherently political one.

Legislative scholars (particularly those hailing from the US) are likely to be interested, for example, in the relative 'strength' of the institution when compared to the executive. (Americans are generally reluctant to imagine a parliament that functions differently from their own). 'Civil society,' on the other hand, might focus on levels of 'transparency' or executive 'accountability.' (This may or may not be a reflection of donor's interests, on whose funding civil society often depends.) An authoritarian regime might, instead, be most concerned with how effective a given parliament is at legitimising its continued rule (the incentives here speak for themselves.)

Parliaments, in the meantime, have historically enjoyed comparing themselves to other parliaments. A healthy dose of neighbourly competition (and collaboration) has spurred the development of countless legislatures. Today, more novel approaches are available. Self-assessments have been developed that allow parliaments to reflect upon their own work in absolute, rather than relative, terms. The practice may revolutionise how parliaments view themselves. These examples are merely illustrative but the point is clear: how well a given parliament is doing is, to a large extent, dependent on just who you ask.

But the complexity does not stop there. Parliaments are malleable creatures. This is by design. Aside from their representative mandates (and this, clearly only in democracies), parliaments do not come with (a) universal function (s) from which to base such an assessment. While some parliamentary functions are outlined in country constitutions, others are not. Discrepancies may also arise between those functions that are outlined in law, what a parliament actually does, and/or the expectations of the electorate. So how does one judge the performance of an institution without a clear indication of what it is supposed to be doing in the first place?

Add to this the fact that so much of what really matters in parliament escapes the public eye. That influential phone-call to the Minister, that quiet negotiation in the corridor, that constituent who felt like someone was on their side- parliamentary achievements rarely make headlines. Even where parliamentary 'wins' do make it to the public eye, executives would much rather claim these for their own. In the absence of the basic information necessary to make a judgement, just how can one be reached? The problems surrounding just about any question related to parliament only multiply from here, though I will spare you further details in the name of rounding off the discussion. For now.

Citizens are certain to have their own views on the subject, though measurement tools where they exist, are likely muddy (and largely unconscious). How to assess any institution that brings up reactions ranging from apathy to rage? This brief article aims to assist with the process. It does so, not by

providing any set template, but rather by offering some potential starting points from which to launch a healthy dose of personal curiosity. More we cannot do.

So where do we start? Maybe at the beginning. Modern states are just too large for town hall meetings. And the reach of government involvement in our daily lives too broad to keep discussions about collective living, simple. These and other practical considerations give way to an institution designed represent citizens interests from each of its various angles. Some first lines of questioning thus emerge: Does your parliament include all elements of society? A balance between women and men? Various religious beliefs? Ethnicities? Age groups? Levels of ability and education? Do citizens feel as though their voice is heard? And do the laws, regulations and policies endorsed by parliament actually serve to further the interests of each of these groups? Do the values parliament exercises in its decision-making capacity align with those of the broader society? In short: do you, and those around you, feel represented by your parliament. Can it be trusted to make decisions on your behalf?

Second, once we have a sense of the level of public support enjoyed by the institution, the next questions begs: what can we reasonably expect from it? Here, we can only really circle back to the constitution and hope that it remains sufficiently up to date with the demands of the day. Is there a need for new legislation? Stronger oversight? Conflict resolution? Does parliament serve as a forum for national debate on contentious subjects? Or do we simply need a sense of national unity? Different constitutions will also outline different relations between parliaments and executives- in some cases these two branches are separated. In others, the two are fused. The positioning of parliament in this relationship will have a strong bearing on what we can expect from its members and staff. On one end of the spectrum lies an autonomous legislature set to counter executive policies with its own, while on the other, parliament and government work in tandem towards a common goal. Knowing where your parliament stands on this point is helpful in understanding just what you can reasonably expect. (And a quick read of one's constitution really couldn't hurt.)

Once we have a good idea of what can expect a parliament to do, it might be good to ask: does the institution have all it needs to do its job? Or perhaps more accurately stated- has your parliament fought and won the battle to create a well-resourced, professional, institution? Rare is an executive with the maturity to ensure its parliament has everything necessary to hold it to account for its actions. (Some parliaments may see this as their aim.) Parliaments with sufficient staff, committees with meeting rooms and technical resources, legal powers to amend executive policies and plans, and access to the information necessary to scrutinise (or challenge) executive action are, globally, more likely to be the exception rather than the rule. There are historical, and constitutional, reasons for this, of course, but the more modern rationale will certainly suffice: parliaments represent a potential threat to the ability of the executive to rule as may so wish. The operational strength of a parliament is, in many ways, a reflection of the institution's confidence and interest in acting in line with its desired goals. Operational strength speaks to the potential of parliament to fulfil its constitutional (and aspirational) mandate in a meaningful way. Does your parliament have what it takes to do its job?

Once each of these questions have been answered, we have the basic foundation necessary to turn to what is probably the most elusive of questions in parliamentary life: how well is a given parliament using the resources at its disposal to deliver on its promises? On way to answer this is to gauge levels of

public satisfaction with the policies emerging from its corridors. Another way is to take a closer look at more tangible elements, often revered by legislative scholars, like (inter alia) the number of questions posed to the executive, 'quality' of debate, number of proposed budgetary amendments. This is an incredibly tricky question, given the non-visible elements of parliamentary life- but an essential one.

The original function of parliament in medieval Britain (and the parliament countless other parliaments are modelled upon) has been characterised as a broker between citizens and government on matters of taxation. From this vantage point, parliament was created in order to ensure the ruler could not arbitrarily tax the ruled. Though most of us take this function for granted today, another has taken its place: return on our tax investment. Another reading of the performance question might then just read: how well are my taxes being spent? Of course, the successful implementation of any policy is dependent on a large number of factors beyond the remit of parliament. Nonetheless, if policies are not working, you should be sure that parliament is there making noise about it on your behalf. Thus, in the final straw: Is my parliament serving (or trying to serve) my needs?

These might sound like high benchmarks. They are- and should be. However, whatever it is we expect from our parliaments does not abdicate citizens of their responsibility to communicate what it is they want and expect from their representatives, their governments, and their neighbours. Citizens must not only know how they want to live, but have voice enough to speak of it. Because it matters. If we don't say 'no' to values to which we do not support, if we don't vote-out misbehaviour or lack of leadership- we have failed to do our part. A metric for how well citizens are living up to their civic responsibilities would be an equally tricky measure to conjure up- but one that could provide some additional insight into the performance of the institutions designed to reflect our will. Perhaps our parliaments are performing exactly as they should, after all.