

# UNIT 1: Parliamentary Committees in Democracies

## Learning Objectives

### How do parliamentary committees contribute to governance?

After studying this unit you should:

- Have a better understanding of the functions of parliament and the use of parliamentary committees to help perform these functions;
- Know committee systems, the different types, functions and powers;
- Have a basic understanding of the role of the parliamentary staff in the effectiveness of committees.

## Introduction

Unit 1 provides introductory information on how parliamentary committees as units of organization within legislatures, provide greater opportunities for in-depth analysis, making it possible for Members of Parliament and ultimately parliament itself to perform its core law making, oversight and representation functions. The unit looks in detail at the committee system examining, different types of committees, functions of committees and committee powers.

## Parliaments and their Functions

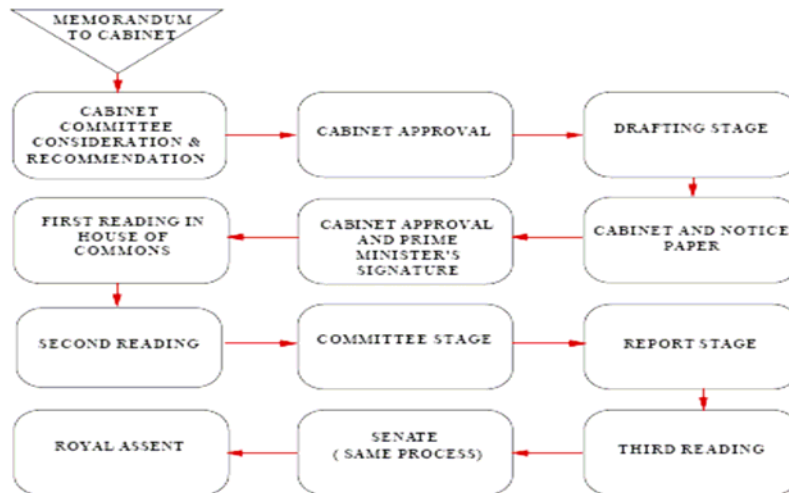
***Defining Parliament*** – Parliament is the national legislature. There, a group of elected people, the Members of Parliament, make and change the laws of a country. This group of elected people is given a mandate by the citizens to represent them and be the voice for articulating their concerns at the national level. Legislatures in democratic countries perform some basic functions in common. These are representation, lawmaking, and oversight functions.

***Defining Representation*** – One major role of parliament in the governing process is to represent the opinions and interests of the citizens. Members of Parliament are elected by a set of eligible voters who form a group of constituencies representing the whole country. In some countries where the quota system is practiced some seats are reserved to ensure representation of special interest groups. For example in Uganda a parliamentary seat from each of the 39 districts is reserved for women. The objective is to increase women's representation in Parliament.

***Defining Lawmaking*** – Parliament enacts laws by subjecting issues of public interests to debate by drafting, modifying, and ratifying public policy into law Bills are introduced into Parliament either as public bills (related to public policy) or private bills (initiated by a particular interest group). When Bills are introduced in the house, they then go through a number of stages, this varies from country to country but the different stages can be summarized as follows: First reading, Committee stage, Second reading, the Consideration stage, and Third reading before being passed for presidential or royal assent. Box 1.1 below shows the law-making process in Canada. (See also Appendix I.)

**Box 1.1**  
**Lawmaking Process: Canada**

**OVERVIEW OF THE LEGISLATIVE  
PROCESS**



Source: <http://www.farmfoundation.org/green/hedley.pdf>

**Defining Oversight** – Parliament is the legislative branch of government that authorizes, or chooses not to authorize, major policy decisions of the executive, for example the budget (see example in Box 1.2 below). Oversight functions of parliament include subjecting executive plans, policies and actions to public debate, and posing questions to members of the Executive. Parliaments are also tasked with vetting and approving key government ministers and other key national appointees. Therefore, parliament's oversight of the executive becomes one of its most important functions. Parliamentary committees enable legislatures to monitor the activities of the government, and check the quality of governance. The role of the executive and the legislature is therefore to complement each other: the executive must govern, while the legislature asserts its key role as representative of the people by acting as an overseer of the executive. Thus, the use of the committee system to scrutinise and investigate whether the executive or its authorised agencies have acted properly in the

implementation of public policies and programmes is crucial. Box 1.3 below shows functions of Parliamentary committees.

### **Box 1.2**

#### **Ghana Example: Government Budget Policy Not Authorized**

In the third Republican Parliament of Ghana, Parliament rejected the Budget presented by government. The minority presented its motion that deleted all the words of the government motion except the phrase "That this house". The new motion inserted the following

"...Take note of the financial policy of the government for the year ending 30<sup>th</sup> June 1982 and regrets that the financial policy fails to deal with the fundamental and urgent economic problems of the country such as:

- The imbalance in government finance;
- The intolerable hardships faced by the ordinary Ghanaians;
- The low level of cocoa producer prices;
- The low and failing production in agriculture;
- The unacceptable high rate of inflation; and
- The loss of confidence in the cedis and calls upon the government to take immediate and realistic steps to tackle these pressing problems."

After a prolonged debate the minority motion was carried by 54 to 51 votes. A revised budget was later resented which was unanimously accepted

Source: Ayensu, K. B. & Darkwa S.N. (1999) The Evolution of Parliament in Ghana. Accra: IEA.

## **Members of Parliament and their Responsibilities**

Members of parliament are public representatives who have been voted into office by the population, and who thus represent different shades of political opinion. Their responsibilities are many and varied, and fall roughly into the following four categories: work in the constituency, chamber, committee, and party or caucus.

*Constituency:* a geographically defined constituency generally elects Members.

The constituents therefore expect their elected representative to articulate their concerns in parliamentary debates, push for policies that will help improve their standard of living and generally ensure their welfare when new laws are enacted. Additionally in multiparty democratic systems political parties play a critical role in

mobilizing voters to vote for their nominated candidate to enter parliament. Once there, the Member of Parliament is then expected to promote the parties' interest and ideology and act as their local representative.

*Chamber:* The entire parliament often sits as one group, constituting the central debating and decision-making body for that country. Debate among parliament often takes place in the public eye in the chamber. A member attends and contributes to discussions through statements on the floor of the House, questions to Ministers and through debates.

*Committee:* Because the depth and breadth of work in a legislature cannot be conducted in plenary sessions, the detailed work of the legislature is carried out by specialized committees, small groups of MPs set up within the parliamentary system with clearly defined mandates that carry out in-depth analysis and review public policy. (See page 10 for more information)

*Party and Caucus:* As a member of a party, a parliamentarian is committed to promoting the party's cause by highlighting the parties ideology and interest in Parliament. Party Caucuses, that is groupings of party members, are often formed within parliament to develop strategies for promoting party ideology. The Whip system is used in parliaments to maximize party turnout for major votes. This system is very well developed in the UK House of Common (See Appendix 2 for details).

## **What are Parliamentary Committees?**

Parliamentary committees are smaller units or groups of MPs set up within the parliamentary system. They allow parliament to perform several functions simultaneously, and also provides the opportunity for more detailed investigation and discussions before findings and outcomes of these committee meetings are presented as committee reports to the broader group for debate and conclusions. Parliamentary committees, sometimes called commissions or councils, are units of organization within

the legislature that allow groups of legislators to review policy matters or review bills more closely than would be possible by the entire chamber. The roles of the committees vary from country to country depending upon the governing system, strength and organization of political parties, available resources, and other political factors. (Johnson, J. K. & Nakamura, R. T. (2006), UNDP (2006), Parliamentary Centre (2004), Longley L. D. & Davidson R. H. (1998), Mattson I. & Strom K. (1996).

**Box 1.3**  
**Functions of Parliamentary Committees**

- Initiating and managing legislation;
- Controlling the executive;
- Drafting legislation;
- Communicating with the executive;
- Representation of their constituencies;
- Investigating policy initiatives yet to be brought for ratification.
- Reviewing and approving the budget and expenditures for the government's policy agenda.

## **Brief History**

The widespread use of parliamentary committees in a number of parliaments is seen as a very recent development. The use of parliamentary committees was historically mainly in the United States Congress. Woodrow Wilson, the 28<sup>th</sup> President of the United States, was quoted as saying in 1885 that "Congress in its committee rooms is at work". This is because most of the work of Congress was referred to committees for detailed review to inform debate on the floor of the House.

Today parliamentary committee systems have emerged as a creative way for parliaments to perform their basic functions, (see Box 1.3). They serve as the focal point

for legislation and oversight. In a number of parliaments, bills, resolutions, and matters on specific issues are referred to specific committees for debate and recommendations are made to the house for further debate. Parliamentary committees have emerged as vibrant and central institutions of democratic parliaments of today's world. Parliaments across the globe set up their own rules on how committees are established, the composition, the mandate and how chairpersons are to be selected but they do have certain characteristics in common. They are usually a small group of MPs brought together to critically review issues related to a particular subject matter or to review a specific bill. They are often expected to present their observations and recommendations to the Chamber for the final debate. See Box 1.4.

Often, committees have a multi-party composition. They examine specific matters of policy or government administration or performance. Effective committees have developed a degree of expertise in a given policy area, often through continuing involvement, and stable memberships. This expertise is both recognized and valued by their colleagues. They are both able to represent diversity and reconcile enough differences to sustain recommendations for action. Also, they are important enough so that people inside and outside the legislature seek to influence outcomes by providing information about what they want and what they will accept. Furthermore, they provide a means for a legislative body to consider a wide range of topics in-depth, and to identify politically and technically feasible alternatives.

#### **Box 1.4**

##### **Common Characteristics of Parliamentary Committees**

- Groups of MPs set up within the Parliamentary System
- Focal point for legislation and oversight
- A committee is not a decision-making body, except in respect of its own internal proceedings,
- It has no standing independent of the legislature,
- The committee reports conclusions from the work of the committee to the chamber, often with recommendations for decision.

Source: <http://mirror.undp.org/magnet/Docs/parliaments/LegislativeCommitteeSystem.htm>

## Different Types of Committees

Parliamentary committees are established for many reasons and the label and names given to parliamentary committees differ from country to country. Parliaments may set up:

- 1) Committees that are permanent;
- 2) A committee for a very short period of time to look at a particular issue after which that committee is dissolved;
- 3) In some instances, the entire membership of parliament meets as a committee to deliberate.

The following gives some examples of the different categories of committees that can be found in parliaments across the globe:

***Permanent Committees*** – Specialised permanent committees are sometimes called standing committees. The functions, size and composition of these committees are often clearly indicated in the Standing Orders, the rules that govern the functions of the parliament. Many Parliaments have different forms of permanent committees.

In the German Bundestag for example a number of permanent committees are set up during each electoral term for the duration of the electoral term. With few exceptions most of these committees mirror the government administrative structure, In Ghana standing committees are appointed at the first meeting of Parliament after the election of the speaker and two deputies. These committees deal with matters of continuing concern to the House and every Member of Parliament must serve on at least one standing committee. In addition to the above, Ghana Parliament sets up subject matters committees that parallel government administrative structure. These are referred to as Select committees. (See Appendix III for a list of committees). Please note that in the House of Commons for example, a number of select committees are departmentally linked, one committee per government department, but some select committee such as the Public Accounts Committee and the Committee on Standards and Privileges are not. Select committees in UK meet around horseshoe shaped meeting tables, determine their

own topics for inquiry, gather evidence and submit reports to the House with their observations and recommendations.

***Ad Hoc Committees*** are formed for the purpose of reviewing particular policies, bills or groups of bills and then are dissolved when that work is completed. In the German Bundestag for example, a 21 member special committee was set up in 2000 on the Act on the Criteria Governing Revenue Equalization between the Lander and the Federation/Revenue Equalization. In the House of Commons Standing Committees that carry out detailed examination of bills before their passage often have Ad hoc membership. A different group of Members is nominated for each bill considered. They carry out debates in a room shape similar to the main chamber with government and opposition seated facing each other.

***Committee of the Whole*** – When the entire membership of parliament forms a committee often chaired by the speaker or the deputy speaker to investigate a matter of concern, it is described as a committee of the whole. In the House of Commons this is referred to as the Committee of the Whole House and in the United States it is called the Committee of the Whole House on the State of the Union, both are presided over by a chairman not the Speaker.

## **Functions and Powers of Committees**

The mandate and the functions of committees are often clearly stated in the national constitution and in the rules of orders that govern the functioning of the parliament. Generally, committees have the power to take evidence or call for documents; send for persons, papers, and records. Committees also have the power to regulate their own procedure within the mandate of the parliament as a whole.

The functions of each committee are often defined in the orders or rules for the House. In Bangladesh, for example, the functions and powers of the *Committee on Estimates* are shown in box 1.5 below.

**Box 1.5**  
**Bangladesh Example: Committee on Estimates**

*Committee on Estimates* – there shall be a Committee on Estimates for the examination of such estimates as may seem fit to the committee or are specially referred to it by the House. The functions of the committee shall be – to report what economies, improvements in organization, efficiency or administrative reform, consistent with the policy underlying the estimates, may be affected; To suggest alternative policies in order to bring about efficiency and economy in administration; To examine whether the money is well laid out within the limits of the policy implied in the estimates; To suggest the form in which the estimates shall be presented to the House.

Source: <http://www.parliamentofbangladesh.org/rprocedure.htm>

## **Role of the Committee Staff in the Effectiveness of a Committee**

Appropriate staffing is essential if parliamentary committees are to function effectively. Committees often need different categories of staff if they are to achieve their optimum best. Parliamentary Committees often need staff to assist with procedural issues, administrative matters, assist with drafting bills, and provide expert opinion and analysis on major policy issues. They need clerks, researchers, legislative reporters, legal draftsmen, and other support staff. See Box 1.6

**Box 1.6**  
**Staff Support to Parliament – United States Congress**

The United States Congress employs qualified personnel that provide a wide range of support to Congress and its Committees. These include staff of the Library of Congress, which include staff of the Congressional Research Service. There are also staff members of the office of the Chief Administrative Officer, and those at the Clerk's office as well as the staff of the Congressional Budget Office and many others. The CBO alone currently employs about 230 economists and public policy analysts who support committees on budget issues.

Source:  
<http://www.cbo.gov/aboutcbo/factsheet.shtml>; <http://www.house.gov/>

Committees are managed by committee clerks who give procedural advice to the committee; take minutes of the committee meetings; receive and store documents on

behalf of committees; and carry out administrative duties. They also assist in recordkeeping, arranging witnesses, advising members on procedures, In essence the committee clerk is responsible for coordinating affairs and ensuring that the committee chairperson and members have the needed support to be effective. The United States Congress is often cited as an example of a parliament that has support staff with varying expertise.

Committee staff play a key role in assisting committee members in recommending new policy. In parliaments where private members' bills are encouraged, parliamentarians inevitably have to rely heavily on the staff for expert knowledge and advice in any new policy they recommend for legislation. Staff also assist committees in monitoring the implementation of legislation that has been passed.

### **Other Major Roles of Committee Staff Include:**

***Research*** – Committee research staff are charged with analyzing and preparing research papers, and proposing possible questions for committee members. Research staff also help improve the general efficiency of the legislative process by collecting and analyzing data; they identify problems of relevance for members; suggest alternative course of action; and prepare studies and committee reports on legislation.

***Outreach*** – Facilitating and increasing public participation (both men and women) in committee inquiries and soliciting input from members of the general public and from expert witnesses through public hearings, seminars, workshops, forums, and surveys.

### **Summary**

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, committees 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 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. Describe the types of committees in your parliament.
2. What are the basic functions of parliamentary committees?
3. What are the different types of committees?
4. What core competencies are needed by parliamentary staff to enable them to help committees?

### **Relevant Internet Resources**

Parliamentary Centre (2004). The New Member of Parliament and Committees. [Online] Available at:

<http://www.parlcent.ca/publications/pdf/MPs%20and%20Committees%20Backgrounder%20EN.pdf> Accessed January 2007.

Political Parties in the Legislature [Online] Available at:

<http://www.undp.org/governance/docs/Parl-Pub-political.htm> Accessed February 2007.

Johnson, J. K. & Nakamura, R. T. (Eds). Orientation Handbook for members of Parliament. Washington D.C.: World Bank [Online] Available at:

<http://siteresources.worldbank.org/EXTPARLIAMENTARIANS/Resources/Orientation-Handbook.pdf> Accessed January 2007.

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Rules Regulating Committees in Bangladesh Available at:  
<http://www.parliamentofBangladesh.org/rprocedure.htm> Accessed February 2007

IDEA women in Parliament: Beyond Numbers. [Online] Available at:  
<http://archive.idea.int/women/parl/ch4c.htm> Accessed February 2007

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NDV, Berlin.

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R. H. (eds.)1998.

Mattson, I. & Storm, K. (1996) Parliamentary Committee: in Herbert Doring (ed)  
Parliaments and. Majority Rule in Western Europe New York: St. Martin's

***Additional Reading***

Limon, D. & McKay, W. R. (eds.) 1997. Erskine May's Treatise on the law, Privileges, Proceeding and the usage of Parliament. 22<sup>nd</sup> Edition, Butterworths, London.

Rockman, B. A. (1984) Legislative-Executive Relations and Legislative Oversight  
*Legislative Studies Quarterly*, Vol. 9, No. 3 (Aug., 1984), pp. 387-440.