





# POLITICAL PARTIES AND DEMOCRACY IN THEORETICAL AND PRACTICAL PERSPECTIVES

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PARLIAMENTARY GROUPS

NORM KELLY AND SEFAKOR ASHIAGBOR

NATIONAL DEMOCRATIC INSTITUTE

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## **POLITICAL PARTIES AND DEMOCRACY IN THEORETICAL AND PRACTICAL PERSPECTIVES**

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Through research into such issues as party law, candidate selection and party finance, NDI provides comparative information on various aspects of party politics, shedding light on obstacles to, and possible approaches for creating more effective and inclusive parties. Drawing from academic analyses as well as practical party experiences, the Institute's *Political Parties and Democracy in Theoretical and Practical Perspectives* series examines topics central to the role and function of political parties. The series includes:

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# PREFACE

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Democracy's credibility depends, to an important degree, on how its institutions work in practice. Yet in some new democracies, citizens have experienced either minor or no tangible benefits from their new governments: poverty levels have remained the same; government services remain ineffective; and citizens continue to feel disconnected from their governments. For more than 25 years, the National Democratic Institute (NDI) has worked with citizens around the world to create more open political environments in which citizens can actively participate in the democratic process. The Institute's approach includes work with parliaments and political parties, intermediary institutions that play essential roles in linking citizens with government.

When functioning effectively, political parties aggregate interests, placing citizens' local concerns in a national context. Through their efforts to control and influence public policy, political parties play an intermediary role, linking the institutions of government to societal groups. They rally support behind important legislation, advocating positions that improve the public welfare and advance citizens' interests. Equally, parliaments serve a critical role in democratic governance by communicating with citizens and responding to their concerns, shaping laws and policies that reflect national and constituent interests and overseeing the work of the executive branch. Institutional rules, negotiations and policy agendas in parliaments are often built around and shaped by parliamentary groups or caucuses. Formal and informal norms and standards for the respective roles and responsibilities of majority and opposition parliamentary groups help determine the extent to which citizens and parties perceive the legislature as a legitimate forum for meaningful debate on governance issues. Further, parliamentary groups often become the primary means through which parties pursue the policies they campaigned on; work to solve constituents' problems; and publicize their accomplishments. An increasing number of NDI programs are helping parliamentary groups to organize themselves internally, develop and pursue legislative agendas, conduct effective

public outreach and communicate effectively with party structures outside parliament.

Given the political sensitivities involved, information about the internal functioning of parliamentary groups, particularly questions surrounding internal decision-making processes, cohesion and discipline are often shrouded in secrecy. This latest addition to the Institute's *Political Parties and Democracy in Theoretical and Practical Perspectives* series begins to shed light on the workings of parliamentary groups by discussing rules and procedures that affect them, relationships between parties and their parliamentary representatives and how elected representatives organize themselves within legislatures. The Institute is grateful to those who assisted with research for this paper and provided comments on initial drafts.

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# INTRODUCTION

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Political parties form a cornerstone of democratic society. They aggregate the interests of the public, articulate them in the form of policy options and provide structures for political participation. In addition, they train political leaders and contest elections to seek a measure of control over government institutions. When in the majority, parties provide an organizational base for forming government, and when in the minority, a viable opposition, or alternative to government. When elected, candidates seek to further their party's interests in the legislature, representing specific policy agendas that have the legitimacy of a popular electoral mandate. In parliament, Members of Parliament (MPs)<sup>1</sup> from the same party will often coalesce into parliamentary groups or caucuses, the primary means by which parties organize themselves in the legislature.<sup>2</sup> Thus, effective parliamentary groups are critical for the creation of more effective and representative political parties as well as the efficient organization and management of legislative business.

Despite the important role that party caucuses play in the institutional development of parliaments, their meetings are necessarily held in private, and are therefore not usually subject to public scrutiny. Similarly, rules governing caucus procedures are generally internal party documents, although they sometimes become publicly available. In addition, written rules of procedure may not accurately reflect actual practice, especially where there are dominant leadership groups or established customs for organizing parliamentary group work.

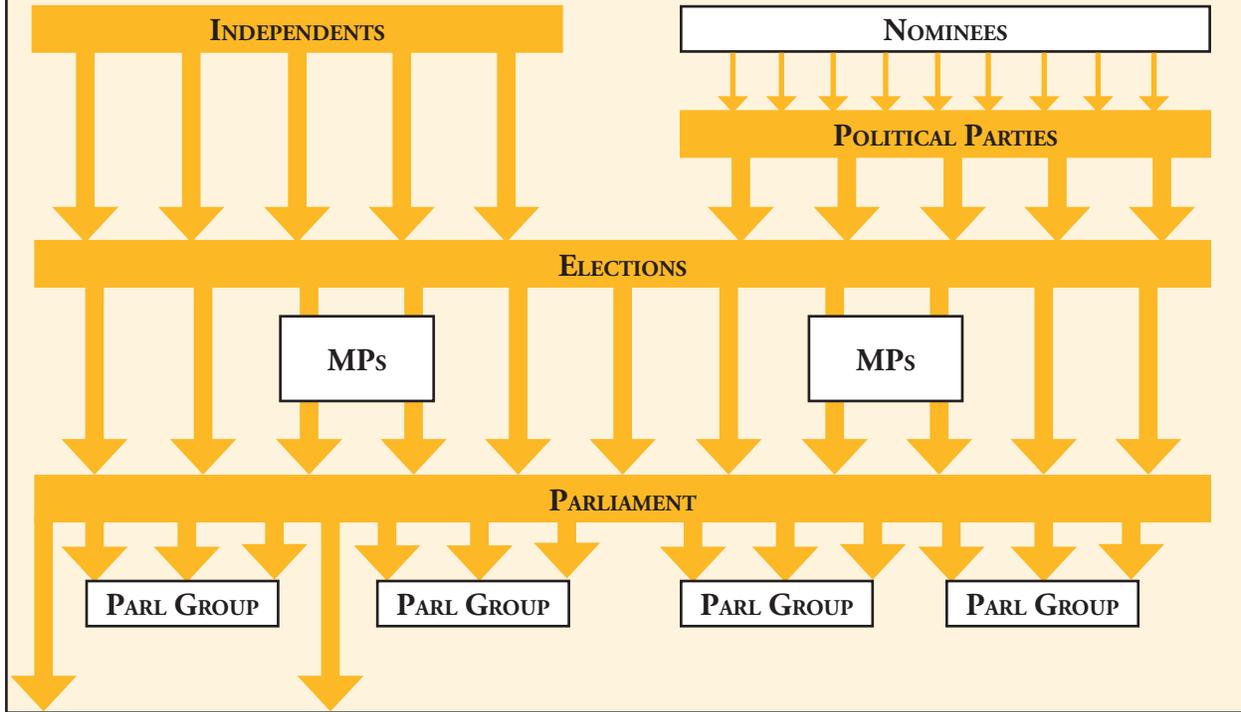
Given the political sensitivities involved, information about the internal functioning of parliamentary groups, particularly questions surrounding internal decision-making processes, cohesion and discipline are often shrouded in secrecy. This shortage of analysis applies to how these groups organize themselves internally, as well as how they relate to one another and their respective party headquarters. Based on a review of academic literature, questionnaires distributed to select NDI field offices and interviews with former elected and party officials, this paper begins to shed light on the workings of parliamentary groups. It examines the relationships between parties and their parliamentary representatives and how party representatives organize themselves within the legislature.

A comparison of the processes involved in being elected to the legislature, whether as an independent or as a party representative, provides an understanding of the motivating factors for candidates to run for office, and the subsequent organization of MPs in the legislature. As illustrated in Figure 1, political parties provide a screening process for the selection of suitable candidates for election. In a strong party system, parties typically represent different ideological bases – such as left, center, and right on the political spectrum; feminist; environmentalist – from which party manifestos are developed. This provides voters with clear choices, based on their own personal principles and values. In addition, successful candidates readily assimilate into party groupings within the legislature, based on their party identification. This facilitates coordinated parliamentary action and provides citizens with a clear understanding of how their vote has translated into representation. By contrast, independent candidates do not undergo a pre-selection process, and once elected, are not necessarily in a position to aggregate into like-minded parliamentary groupings.

In this model, the presence of political parties in the election process provides at least three clear benefits. First, the screening of party nominees – also known as pre-selection – applies a level of rigor which is absent in the independents' pathway and that theoretically improves the quality of candidates standing for election. This process can also improve the diversity of legislative bodies. For instance, in an increasing number of democracies, people are advocating for higher levels of women's participation in politics, either through reserved parliamentary seats, or by requiring parties to field a minimum percentage of women candidates. For example, for the 2006 legislative elections in West Bank and Gaza, by law, each national party list had to contain a minimum of one woman in the first three names, a second woman in the next four names, and an additional woman for every five more names. Statutory quotas also exist in Afghanistan, Belgium, Iraq, Indonesia and Serbia, to name a few.

Where there are no legislated requirements, parties may voluntarily adopt policies to encourage women's participation, through women's wings, quotas, co-leadership positions, and pre-selection rules. In the

**FIGURE 1: PRE-SELECTION TO THE LEGISLATURE<sup>3</sup>**



United Kingdom, permissive legislation allows political parties to take measures to increase women’s participation. Party measures such as the UK Labour Party’s All-Women-Shortlists, under which only women candidates are fielded in particular electoral districts, would otherwise be illegal under gender discrimination laws. In Australia, the Labor Party’s affirmative action policy requires that women are pre-selected for at least 40 percent of the ‘winnable’ seats at an election (see Box 1). South Africa’s African National Congress has an internal party quota requiring that women constitute at least 50 percent of all candidate lists. In addition, male and female candidates must be alternated throughout the list, ensuring that both genders have equal chances of being elected to parliament.

Second, during the election campaign, candidates connected with parties benefit from resources that their parties provide during election campaigns. Based on their party’s policy platform or manifesto, these candidates provide a consistent voice on policy, and have a clear policy direction if elected to government. When standing for established parties, they can assume that voters are already somewhat familiar with their party and its ideological platform and can focus on current issues and tailoring their message, whereas independent candidates will often need to provide more background information on themselves.

Third, when elected to the legislature, party candidates are more likely to coalesce into their own groups, and possibly form alliances with other party groups. In the parliamentary setting, these groups based on party representation form the basis of a strong and stable government. An independent MP meanwhile is left to decide whether to remain outside any parliamentary grouping, to affiliate with other independent MPs in their own grouping, or to attach to an existing party grouping. Such uncertainty, combined with the ongoing fluidity in being able to coalesce, separate, and re-form, adds to the instability that independents can often bring to parliaments.

By definition, independent MPs are not concerned with issues of discipline and cohesion and do not need to compromise their position for the sake of a broader party policy or objective. To the extent that legislative procedures permit, independent legislators can champion legislative initiatives with the support of members from political parties. Further, in parliaments where the margin between various parties is relatively narrow, independents can have a more significant impact on the legislature’s work by negotiating agreements with parliamentary groups. For example, Australia’s 2010 parliamentary elections resulted in a hung parliament: the Labor Party and the Liberal/

### **BOX 1: AFFIRMATIVE ACTION IN THE AUSTRALIAN LABOR PARTY**

To increase the level of women's representation in Australian parliaments, the Australian Labor Party has implemented an affirmative action policy as part of its national statutes. The policy, as stated in the party's National Constitution,<sup>4</sup> is outlined below.

10. The ALP is committed to men and women in the Party working in equal partnership. It is our objective to have equal numbers of men and women at all levels in the Party organization, and in public office positions the Party holds. To achieve this the Party uses a comprehensive affirmative action model of 40:40:20, as set out below, whereby a minimum of 40 percent of relevant positions shall be held by either gender.

#### **Party Positions**

(a) All elections, other than public office pre-selections conducted by national and State level Party units for three or more positions, shall comply with the affirmative action model. Not less than 40% of such positions shall be held by women, and not less than 40% by men, provided that sufficient candidates of the relevant gender nominate ("the basic entitlement"). If the calculation to determine the basic entitlement results in a fraction of one half or more then the basic entitlement shall be the next higher whole number, and where it results in a fraction of less than one half it shall be the next lower number.

#### **Public Office Pre-selection**

(c) Pre-selections for public office positions at a State and federal level shall comply with the affirmative action model in this rule 10(c).

#### **PRINCIPLES**

- (i) The intention of this rule is to produce an outcome where not less than 40 percent of seats held by Labor will be filled by women, and not less than 40 percent by men ("the minimum target").
- (ii) This minimum target shall apply to any pre-selection round taking place after 1 January 2012.
- (iii) The remaining 20 percent of the seats held by Labor may be filled by candidates of either gender.

National coalition each won 72 seats, four seats short of the 76 required for a majority in Parliament. The Labor Party eventually negotiated a series of agreements with three independents and a Green Party representative in order to form a government, giving these members (four out of the 150 in the Australian House of Representatives) an unusual degree of influence over political processes, given their numbers. However, since the majority makes decisions in legislative bodies, opportunities for tangible legislative success or significant influence over parliament can be very limited for independents.

In contrast, when functioning properly, party caucuses are the largely unseen engine-room of parliamentary politics and where detailed policies and legislation are often developed. Formally-recognized parliamentary groups often have particular privileges including access to public funding for their operations and opportunities to shape parliament's work that may not be available to independent MPs or small groups. On behalf of their party, the roles of the caucus may include selecting the party's parliamentary leadership, ministerial and committee membership positions; formulating detailed policy; and deciding strategies for parliamentary action. In most cases, the members of the caucus become the public

voice of a party and are often the spokespersons for the party on a day-to-day basis. For many voters, their first, and sometimes only, contact with a political party is with the caucus or an individual member of the caucus. As a result of their prominent role on behalf of a political party, members of the caucus have a crucial role to play in the development of policy – alongside other party structures charged with this responsibility – but are also forced to defend the policy after the party approves it. Given its role as gatekeeper between the party and the voters, the caucus must maintain close ties with party officials and members outside parliament, consulting them on issues being debated in parliament.

Caucus decisions typically influence how MPs act, and this raises issues of accountability and party control over MPs, whom a broad constituency has democratically elected. Therefore, the next consideration of this paper relates to the models of representation – delegate, trustee and ideological – which MPs may use to explain their behavior in the legislature, and the potential conflicts that these may present to an MP.

# REPRESENTATION

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To deliver an opinion, is the right of all men; that of constituents is a weighty and respectable opinion, which a representative ought always to rejoice to hear; and which he ought always most seriously to consider. But authoritative instructions; mandates issued, which the member is bound blindly and implicitly to obey, to vote, and to argue for, though contrary to the clearest conviction of his judgment and conscience – these are things utterly unknown to the laws of this land, and which arise from a fundamental mistake of the whole order and tenor of our constitution.

-E. Burke, Speech to the electors of  
Bristol, 3 November, 1774

**I**n Medieval Spain, towns provided their representatives with detailed guidance before each meeting of the Cortes or parliament. They also required their representatives to take oaths, sanctioned by public notaries, neither to vary from their instructions nor to overstep their mandate. This practice became known as the “imperative mandate.” It also exemplifies the delegate model of representation, which requires MPs to reflect the wishes of their constituents, irrespective of their personal beliefs, judgment or values. This model, in which the MP is simply a conduit for the wishes of the people, is often a necessary means when the size of a population is too great to allow for a direct democracy model. Although many MPs these days may state that they are ‘reflecting the wishes of their constituents,’ this is usually used for political expedience rather than any sense of acting in a delegatory manner.

As modern day nation states emerged, theories on representation evolved. Liberal democratic theory, so forcefully embodied in Edmund Burke’s speech to the electors of Bristol, held that representatives, even if elected, did not only represent their constituents but the nation, whose interests were superior to and sometimes different from those of specific constituencies. Accordingly, the imperative mandate became increasingly viewed as incompatible with democracy and with the representative mandate that Burke and others espoused.

Edmund Burke made his pitch to the electors of Bristol in a time before the existence of modern political parties. He therefore only needed to differentiate between the delegate and trustee models of representation. The trustee model of representation, which Burke promoted, requires voters to entrust the decision-making responsibility to their elected MP. Once elected, the legislator is to use his own skills and conscience to act in the interests of the people. As Burke stated in his famous speech “you choose a member, indeed; but when you have chosen him, he is not a member of Bristol, but he is a member of Parliament.”

The development of party politics added a further dimension to forms of representation. Instead of choosing a local representative, either as a delegate or a trustee, in many democracies voters will now choose between political parties to provide them with representation. Depending on the strength of the party system and the type of electoral system in place, the individual candidate may play only a minor role in the election, with campaigns fought between party leaders and their parties’ policies. In such settings, voters may choose between the ideological bases and platforms of the competing parties, and in strong party systems, there will be a clear delineation between what each of the parties stands for. Thus, political parties elected on the basis of their policies, should be judged on the extent to which they are able to implement the platform they campaigned on. Under this ideological model of representation, parliamentary group cohesion is particularly important since it affects the extent to which a party is able to push through its policy goals.

Of course, in many democracies, political parties are built around charismatic leaders, or small ruling elites, often with less-developed policies. In such scenarios, voters will be more heavily influenced by non-ideological factors, such as self-interest, the leader’s popularity, and advertising, and less by policy. In addition, in some contexts, parties are expected to represent specific societal cleavages, based on factors such as ethnicity and religion. Under this model, a party has a clear demographic support base, and is expected to represent those specific

## BOX 2: EXAMPLES OF POLITICAL ENGINEERING

Indonesia – Parties are required to have branches in at least two-thirds of the provinces and in two-thirds of the municipalities in those provinces. Each municipal party branch must have at least 1,000 members.<sup>7</sup>

Nigeria – Members of the governing bodies of parties should ‘belong to different states not being less in number than two-thirds of all the states of the Federation.’<sup>8</sup>

Russia – Political parties need to maintain regional offices and at least 500 members in at least 45 of the country’s 89 regions.<sup>9</sup>

Thailand – A branch structure, with at least 5,000 members, must be established in each of four designated regions.<sup>10</sup>

interests. Typically, support for the party will be strong in its core area, and low among other demographic groups (also known as the consociational model). This makes campaigning and the development of policies that appeal to the party’s core support group easier. The legislature is then seen as the institution where these cleavages are melded into a national purpose, through debate and the possible formation of alliances.

Alternatively, parties may be encouraged or forced to overcome these societal differences internally (known as political engineering or centripetalism).<sup>5</sup> Mechanisms used to do this include requiring party membership to be drawn from a specified number of regions in a country, or having candidates who represent the various societal cleavages (see Box 2).<sup>6</sup> The purpose of these requirements is to diffuse ethnic, religious or regional tensions at the community level, thereby avoiding disputes at the national level that

can occur when parties focus on representing relatively narrow interests. Parties working in such systems typically need to build broad support bases in areas which may not normally be seen as ‘friendly’ territory, and develop policies which accommodate regional and sectional differences. However, every society and community necessarily comprises different interests, views, values and ideas. Because of this diversity, it is generally impossible for a particular party or leader to represent an entire society.

The design of the electoral system may also encourage different approaches to party organizing.<sup>11</sup> In democracies where voters primarily identify with parties and/or where there is a party list electoral system which gives the party the power to rank its candidates, the most important campaign for a potential candidate may be the party’s pre-selection process – to secure pre-selection for a ‘safe’ constituency, or a winnable position on the party’s list in multi-member constituencies. In these cases, voters may primarily be

## BOX 3: DO VOTERS PRIMARILY IDENTIFY WITH PARTIES OR WITH INDIVIDUAL CANDIDATES?

Iraq – One can conclude that Iraqi voters still identify more with a party. But, with the ‘open list system’ in place, it is worth noting that voters do vote for individual candidates within party lists.

Montenegro – The voters vote for party lists and not for individuals, and the voters primarily identify with a party and/or strong party leader/s. The submitter of an electoral list, which in most cases is a political party, may freely determine the order of candidates on the list.

Morocco – It is important for candidates/MPs to be identified with a party because there are no names on the ballots, only party symbols.

Nigeria – Because many Nigerian voters really don’t know much about party manifestoes and programs before voting, they tend to vote for candidates whom they already know.

Pakistan – Generally the party is the biggest identifier, but not always.

Peru – Voters generally identify more with candidates than with parties. Parties have opted to include artists, sports stars, and other public figures on the list as candidates to capture votes.

South Africa – Given the party list system for elections, voters generally support candidates nominated by their favored political party.

choosing a party leader and the party's policies, rather than an individual (especially in a closed-list system). It can therefore be argued that an MP is representing the party, and not a group of constituents, and definitely not as a trustee in the Burkean sense. If an MP in a party-list system then votes against party policy, voters may rightly feel aggrieved that the MP is not properly representing the party for which they voted.

In the NDI survey of 19 countries,<sup>12</sup> it was quite clear that electoral rules play an important role in deciding whether voters primarily identify with a party (generally supporting the candidate the party nominates), or with individual candidates (either as independents or as party nominees), as some of the responses in Box 3 illustrate. Issues such as the ballot paper design (for example, whether party identification is shown next to a candidate's name), and the style of campaigning, are factors that determine whether parties or individual candidates are more heavily promoted. However, there was no correlation between

types of electoral systems and the importance of party affiliation, as shown in Table 1.

In a technical sense, under the trustee model of representation, the participation of constituents only occurs at election time, when voters have an opportunity to judge the performance of their MP (if he/she is re-contesting), and to choose their preferred candidate to act in their interests. (Of course, in parts of Canada, Switzerland and the United States, voters have the option of recall: a type of referendum whereby voters can remove their elected representatives outside normal election cycles.<sup>16</sup>) However, modern democratic practice recognizes the importance of MPs establishing strong two-way communications with constituents, and with their party. MPs need to be aware of constituents' concerns as well as their views on particular issues. Equally, MPs should seek to inform constituents of their actions in the legislature and how they have responded to constituents' concerns. Ideally, an ongoing dialogue is established between the MP and

**TABLE 1: THE IMPORTANCE OF PARTY AFFILIATION**

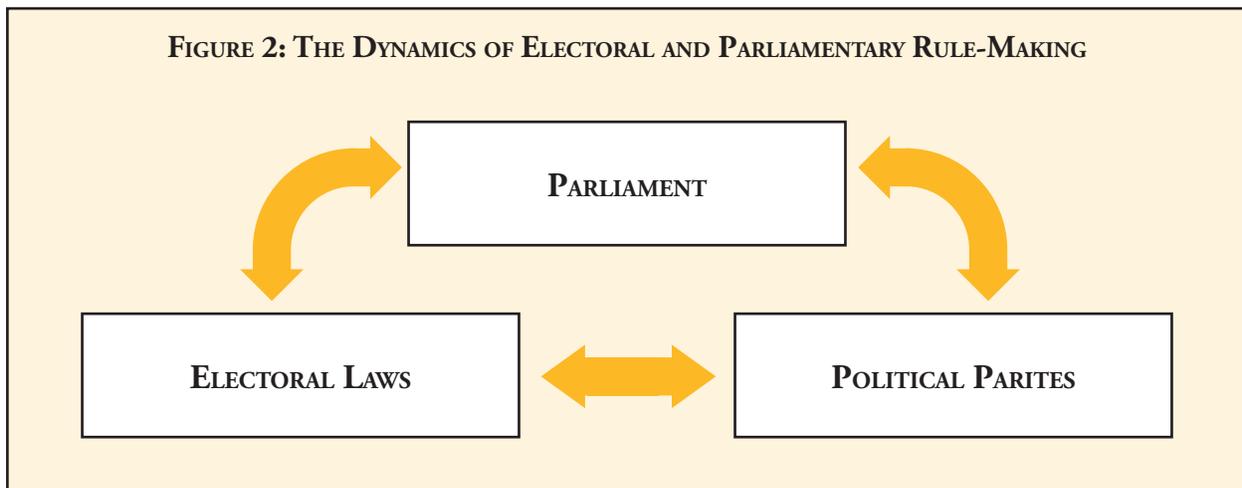
Country	Do voters identify primarily with party or candidate	For candidates, what is the importance of party affiliation	Type of electoral system <sup>13</sup>
Bangladesh	Both	Extremely important	FPTP
Bosnia and Herzegovina	Party	Extremely important	Open-list PR
Bulgaria	Party	Extremely important	MMP <sup>14</sup>
Cambodia	Party	Essential - mandatory	MMP
Colombia	Both	Very important	PR
Hungary	Party	Extremely important	MMP
Ireland	Party	Extremely important	PR-STV <sup>15</sup>
Iraq	Both	Important	Open-list PR
Kosovo	Party	Extremely important	Open list PR
Mali	Candidates	Very important	PR - 2 rounds
Montenegro	Party	Extremely important	PR
Morocco	Candidates	Very important	PR
Nigeria	Candidates	Essential - mandatory	FPTP
Pakistan	Both	Important	FPTP
Peru	Candidates	Unimportant	PR
Serbia	Both	Very important	PR
South Africa	Party	Extremely important	PR
United Kingdom	Party	Extremely important	FPTP
Yemen	Party	Important	FPTP

constituents – possibly through newsletters, the media, the internet or constituent office hours.<sup>17</sup> It may be obvious that an MP should also maintain strong communication with his/her party, but this can be forgotten in the pressures of the parliamentary environment. Quite often MPs see themselves as representatives of both their constituency and their party: these two roles are not usually in conflict. The relationship will also depend on the power balance between the MP and the party – does the party rely on its MPs for the party's survival, or is the MP reliant on the party for future pre-selection.

# RULES INFLUENCE BEHAVIOR

The power relationships between political parties, their parliamentary representatives, and parliaments are heavily influenced by the rules under which they operate as well as the resources that legislatures provide to parliamentary groups. These rules are often determined by parties and their legislators, and not necessarily by an independent umpire. Political theories attempt to explain the inter-relationships between political parties and electoral systems. Parliaments, which typically serve as the main rule-making authority, are also pivotal in these relationships (see Figure 2).

15 percent of the vote in a single-member First-Past-the-Post (FPTP) system will rarely win the seat. However, under a proportional representation system, a party with 14.3 percent of the vote in a six-member constituency will see its candidate elected. Thus, conventional wisdom has held that majoritarian systems disproportionately favor larger parties and limit the ability of a multiplicity of parties to exist. Conversely, proportional systems that provide a lower threshold for entry will allow more parties a share of the representation that is denied them in majoritarian systems.<sup>19</sup>



## ELECTORAL SYSTEMS

There are two main schools of thought regarding the relationship between electoral and party systems. Some argue that parties and party systems are formed by the electoral environment in which they operate: that is, the party system is a product of the electoral system.<sup>18</sup> Accordingly, they point out that majoritarian, single-member voting systems tend to create two-party systems, while proportional voting systems with multi-member constituencies have a tendency to produce multi-party systems due to the ability for a number of parties to meet the threshold for representation in parliament. This is one reason why proportional systems, with their lower thresholds for achieving success, tend to be favored by smaller parties. For example, a party achieving

Others argue that this approach is too simplistic and does not adequately account for political and historical influences particularly in transition countries. They counter that stable, older democracies generally have fewer parties than emerging democracies with the electoral system only playing a secondary or even minor role. Some also argue that while the electoral system may be the dominant influence during the early development of a democracy, over time, it is the governing political parties that shape the design of the electoral system. In doing so, they point out that the most influential political parties in a country will reinforce the electoral system that has created the power relationships between them.<sup>20</sup> Of course, when no single party is dominant, it is difficult to change electoral laws without accommodating the interests of a

**TABLE 2: THE NUMBER OF PARLIAMENTARY PARTIES IN NDI-SURVEYED COUNTRIES**

	<b>First Past The Post</b>	<b>Proportional Representation</b>
<b>No. of Countries</b>	5	14
<b>Countries</b>	Bangladesh, Nigeria, Pakistan, United Kingdom, Yemen	Bosnia and Herzegovina, Bulgaria, Cambodia, Colombia, Hungary, Ireland, Iraq, Kosovo, Mali, Montenegro, Morocco, Peru, Serbia, South Africa
<b>No. of Parties</b>	5 to 10	5 to 23
<b>Average Number of Parties</b>	7.8	11.1

number of parties. When a party is not able to control the election environment entirely for itself, its next best option is to limit its political competitors, in terms of numbers, resources or both. For instance, in the early 20<sup>th</sup> century, established political parties and groups in Western Europe introduced proportional representation to ensure their own survival against the rise of left-wing labor groups, a result of the extension of the right to vote.<sup>21</sup> These parties were concerned that the well-organized labor movement would be successful in splitting the conservative-liberal vote, making it difficult for them to maintain power.

NDI's survey showed a correlation between the electoral system and the number of parties in the legislature (Table 2). However, these raw figures do not necessarily indicate the relative strengths of parties. For example, in the United Kingdom, where there are 10 parties represented in the House of Commons, three parties (Conservatives, Labour, and the Liberal Democrats) hold almost 90 percent of the seats.<sup>22</sup> Electoral rules influence how parties campaign, as well as the relative power relationships between different parties, and between parties and their candidates. The next section further explores these types of issues.

In proportional representation systems, voters are typically choosing between parties that are listed on the ballot paper. In a closed-list system – where the party nominates a preferred ranking of candidates and voters cannot alter the list – party leaders have enormous power over members seeking parliamentary seats. Where electors vote for a party, rather than for individual candidates, there may be an expectation that a party's MPs will vote as a bloc in accordance with the party's policies. Some parliaments stipulate in their standing orders that parties will vote as a bloc. In such cases – New Zealand, for example – the party Whip will typically announce how the party's MPs are voting.

In an open-list system – where voters can indicate their own preferences within a party list or across several parties – there is more scope for candidates to campaign on their own individual platforms in order to win more votes against their party colleagues. In majoritarian systems – FPTP or alternative vote – parties are often identified on the ballot paper but alongside the individual candidates. Thus voters are arguably choosing a party as well as an individual candidate.

When considering how parliamentary groupings operate, it is important to keep in mind the relationships that exist – between parties and the electoral system, and between parties themselves – as these will have a significant influence in the power relationship between individual MPs and their parties.

## PARLIAMENTARY RULES

### *Thresholds for Parliamentary Group Status*

Parliaments often set thresholds for parties to be officially recognized as parliamentary groups. Official status as a 'parliamentary party' or 'group' may be required to access office space, staffing or other material support. It may even be necessary to initiate parliamentary action, such as the moving of motions and the introduction of legislation. Of the 19 countries surveyed by NDI, 10 indicated threshold requirements for achieving official 'parliamentary party' or 'group' status, with the threshold being in the range of 2.0 to 8.4 percent of the total parliamentary seats (see Table 3). This reasonably low threshold is necessary to allow elected representatives to perform their parliamentary duties, but also encourages MPs to act in a cohesive and co-ordinated manner. Extremely low thresholds, on the other hand, can

reduce incentives for different political groups to coalesce in the legislature and, while they make certain legislative proceedings more participatory, they can also make them more unwieldy.

Some legislatures will make special provisions for independents and other MPs, who do not meet the standard criteria for a parliamentary group, to come together and form a technical group. For example, in the Irish Parliament, seven members from the same political party is the threshold for gaining parliamentary group status. However, under article 116 of the Standing Orders, elected representatives who do not meet the threshold may seek formal recognition from the Speaker as a technical group. A majority of the representatives who do not otherwise meet the criteria for a parliamentary group must support the request. In effect, this rule limits the number of technical groups to one, preventing a proliferation of groups that could make legislative proceedings difficult to manage.

### *Rights of Parliamentary Groups*

In most cases, officially-recognized parliamentary groups enjoy particular rights or privileges. The NDI survey identified only a few countries – including Cambodia, Iraq and Nigeria – where there is either no formal recognition of caucuses or no clear benefit associated with such status. Even in countries where such benefits exist, they vary

widely and typically fall into two broad categories. The first category includes office space and access to funding and/or staff. These and other publicly-funded resources are designed to help MPs and their parties perform their legislative duties and are usually allocated in proportion to each party’s representation in the legislature. Depending on the country-specific provisions, parties may use these funds to hire staff, for outreach to members or other organizational purposes. The focus of this paper is on funding specifically designed to assist MP or parliamentary groups in their legislative work. Not all countries provide funding for party operations outside parliament as well as for parliamentary group organizing, nor is there always a clear distinction between the two. That said most minimum benchmarks for democratic legislatures identify the allocation of resources to parliamentary groups as an important standard. (Appendix 1 includes extracts from four benchmarks for democratic legislatures that address funding of parliamentary groups, defection and other issues.) The second group of benefits provided to officially recognized caucuses is procedural rights in parliamentary administration and proceedings. The section below provides some examples of both categories of benefits from around the world.

In some cases, the largest opposition party in the legislature is entitled to choose the leader of the opposition. This office comes with particular benefits, often in terms

**TABLE 3: THRESHOLDS FOR PARLIAMENTARY GROUP STATUS**

Country	No. required to form ‘party’ or group	Total MP in The legislature	% of total required to form group
<b>Bangladesh</b>	25 (party) 10 (group)	299	8.4 3.3
<b>Bosnia and Herzegovina</b>	3	42	7.1
<b>Bulgaria</b>	10	240	4.2
<b>Cambodia</b>	10	123	8.1
<b>Hungary</b>	10	386	2.6
<b>Ireland</b>	7	166	4.2
<b>Montenegro</b>	2	81	3.7
<b>Morocco</b>	20	325	6.2
<b>Peru</b>	6	120	5.0
<b>Serbia</b>	5	250	2.0

of staffing or state protocol. These will often also include rights designed to facilitate scrutiny of the government including access to classified information, days allocated to the opposition to select subjects for parliamentary debate and the right of the opposition and government MPs to submit equal numbers of oral questions to Ministers. In Bangladesh, the speaker allocates administrative benefits in consultation with party leaders in the legislature in line with tradition. The leaders of the government and opposition are assigned office space in the legislature, as are their respective Whips. For example, the Chief Whip has a private secretary, an assistant private secretary, a public relations officer, a private assistant and a messenger. Each government Whip also has a private secretary, an assistant private secretary, a private assistant, and a messenger. The leader and the deputy leader of the opposition receive similar privileges to those enjoyed by the government Chief Whip. For example, the opposition Chief Whip has one private secretary.

In Uganda the leader of the opposition has the right to staff, while smaller parties in opposition are assigned caucus leadership offices, but no staff. In the United Kingdom, opposition parties receive funds to cover the costs of their participation in parliamentary business. This includes operating costs for the leader of the opposition's office.<sup>23</sup> In Morocco, parliamentary parties have access to staff and other benefits, including office space in the House of Representatives.<sup>24</sup>

Under the Montenegrin Parliament's Rules of Procedure, parliamentary groups are entitled to office space, a benefit that is common elsewhere. Moreover, a group with more than five MPs may hire an advisor, and for each additional 15 MPs an additional advisor, also at the legislature's expense.<sup>25</sup> One of the main benefits of forming a parliamentary group in Montenegro is the right to participate in the work of the Speaker's Collegium, which includes the Speaker, Deputy Speaker and chairs of parliamentary groups. The Collegium reviews matters related to organization and work of parliament and committees; enforces parliamentary rules and procedures; plans the work for sessions and sittings of Parliament; sets the dates and agenda for and convenes parliamentary sittings; and administers public funding for parliamentary groups. Secretaries General and

committee chairs may also participate in the work of this body. Although the Collegium is purely consultative, the forum provides parliamentary groups some opportunity to influence the Speaker's decision making. Similarly, in Mali, and Bosnia and Herzegovina (BiH), officially recognized groups are represented in the 'conference of presidents,' the meeting of parliamentary group leaders where many decisions concerning the assembly are taken (nominations, internal organization, etc.).

In Peru, parliamentary groups "have the right to staff, funds and space for their work, in proportion to their numbers of representatives."<sup>26</sup> Only parliamentary groups can introduce legislation – there is no provision for private member legislation. However, the rules allow for a group of legislators who do not otherwise meet the criteria for official recognition as a parliamentary group to form a special group, purely for the purpose of introducing legislation. In Hungary, at the beginning of each sitting, every caucus may address the Parliament for up to five minutes on matters that are "of national importance, urgent, and extraordinary," not otherwise on the agenda. Individual MPs have a similar right but may only address the Parliament after debates on agenda items close.<sup>27</sup> In Ireland's Parliament, caucus benefits include: asking priority questions, being allotted additional time to speak in legislative debates, and being allowed to make statements following a ministerial statement.<sup>28</sup> These benefits are not available to independent MPs.

Depending on the rules and customary practice in a particular legislature, caucuses, often through their Whips, may completely control opportunities to ask questions or participate in parliamentary debate. In addition, in the Canadian Parliament, independents, or MPs from parties who do not meet the threshold for parliamentary groups, cannot officially be members of standing committees. For instance, one study noted that in Canada:

The proceedings of the House and its committees are predicated exclusively on party. It is established, although not always written in the standing orders, that opportunities to ask questions or participate in debates are controlled by party whips, giving the Speaker no discretion to recognize members not on the parties' approved lists.<sup>29</sup>

**TABLE 4: PARLIAMENTARY GROUP AND INDIVIDUAL MEMBER PROCEDURAL RIGHTS IN COLOMBIA<sup>30</sup>**

Procedural Right	Parliamentary Groups	Individual Members (subject to caucus decisions)
Call for hearings and debates	√	x
Participate in hearings and debates	√	x
Right to speak in plenary sessions	√	√
Participate when regulations are voted on	√ With priority over individual members	√
Introduce any type of motion	√	√
Table questions	√	√
Request nominal votes	√	√
Request separate votes for different portions of a bill	√	√
Nominate candidates	√	x
Request verification of quorum	x	√
Introduce motions of order and other procedural matters outlined in the standing orders	x	√

Under Colombia's 2005 party caucus law, a parliamentary group only consists of the members of a legislative body that are from the same party, political movement or significant group of voters. Since the law does not recognize multiparty caucuses, if a particular party only succeeded in getting one MP to parliament, that member would be considered a party caucus. Table 4 compares the rights of parliamentary groups and individual members in Colombia's legislative proceedings. As it shows, only caucuses may call for and participate in hearings and debates or nominate individuals for leadership positions in legislative bodies. The law also requires that caucuses act in unison, except on matters that the parliamentary group deems matters of conscience, making it difficult for MPs to break ranks with their caucus members. The Constitutional Court ruled that individual MPs could only exercise the rights listed below when their actions were in line with the decisions of their parliamentary group, unless the caucus had determined the issue at hand to be a matter of conscience.

### *Issue-Based Caucuses*

Legislators will sometimes form cross-party alliances with MPs from other parties to further legislative and other action agendas. Depending on the level of party discipline in force, and the nature of the issue, these alliances can range from: friendship, based, for example, on common religious and/or social interests or geographic origin, to formalized issue-based groupings (as in the British system of All-Party Parliamentary Groups, see Box 4). These initiatives provide MPs with a way to build their own knowledge and influence outside their formal caucus structures and beyond the committee system.

In addition, MPs will often develop regional affinities, based on the common interests of their constituencies. In some post-conflict democracies, however, the pursuit of regional interests can be seen as inflaming lingering hostilities from the conflict period. In Bougainville, during terrible internal conflict in the late 20<sup>th</sup> century, there was a clear division between the South and Central

#### BOX 4: THE UNITED KINGDOM'S ALL-PARTY GROUPS<sup>31</sup>

The United Kingdom's Parliament has an extensive system of All-Party Groups that allows MPs to come together across party lines to pursue specific interests. These groups have voluntary membership. In August 2010, there were 250 topic groups and 88 country or regional groups. Given that these are primarily backbench groupings (groupings primarily comprised of junior MPs), and that at least 20 MPs are required to form an All-Party Group (in a parliament of about 1,400 MPs and Peers), there are obviously many multi-memberships, and the level of activity varies greatly. As the examples below illustrate, the All-Party Groups cover a range of political, technical and social interests.

The British-American Parliamentary Group seeks to 'promote friendly relations and mutual understanding between members of Congress and Members of Parliament; to arrange for the exchange of visits and information; and to provide opportunities for discussion.' The Group includes the current Prime Minister and Deputy Prime Minister and receives significant funding from the House of Commons and the House of Lords.

The Human Rights Group is charged with raising 'the profile of international human rights issues within Parliament and to investigate and publicise human rights abuses occurring outside the UK.'

The Group on Fibromyalgia (a muscle and tissue disorder) aims 'to raise awareness of fibromyalgia among parliamentarians and to provide a cross-party forum for discussion of the illness.'

Policy issues are also addressed in many groups, for example Electoral Reform, Homeland Security, Population, Development and Reproductive Health. The Low Carbon Transport Group, exists to 'provide a forum for the low carbon transport industry, parliamentarians and other interested parties to have an informed discussion about the key issues affecting low carbon transport;' and the Zoos and Aquariums Group, works for 'conservation through education and understanding.'

Many groups have a more social basis, such as: the Tennis Group, for 'Members and Peers to be able to play tennis matches together and compete with various outside tennis teams.'

regions on one side, and the North region on the other. In response to the potential for ongoing disputes to occur, the 2001 peace agreement outlined a form of power sharing whereby, for example, the President and Vice President have to come from different regions (see Box 5).

#### ANTI-DEFECTION MEASURES

In many countries, party discipline is a private or voluntary issue that is resolved based on a combination of legislators' individual views or priorities (including their conscience) and party loyalty. Under this "voluntary" model, discipline should result as a function of the MP's loyalty to the ideologies, policies and programs of his/her party and interest in the benefits of re-election and career advancement. While such aspirations for voluntary party loyalty may often be desirable, they do not always prove attainable, as parties may lack a strong ideological base and/or sufficient internal democracy. In addition, elected representatives may face competing interests. Given the threat of unprincipled defections<sup>32</sup> that are motivated by political opportunism and bribery, some countries have turned to the legal system to enforce discipline.

The merits and disadvantages of anti-defection laws – legal provisions limiting an elected representatives' ability to leave the party on whose ticket s/he was elected – have generated debate among academics, constitutional and human rights experts, democracy support specialists and politicians. These laws may ban defections altogether, causing a MP to lose his/her seat for defecting, or can outline certain conditions under which defections are possible without an MP losing his/her mandate. Proponents of such laws argue that they help ensure that the will of the people, as expressed in democratic elections, is upheld. Especially in proportional representation systems, these laws maintain the proportionality of the elected legislature and promote stability by preventing defections that could alter the balance of power. They can also support the development of coherent political parties. Since ruling parties are often more able to entice opposition MPs to defect with offers of appointments and patronage, advocates of such measures also argue that they help sustain multiparty democracy. Thus, anti-defection measures can assist in the fight against corruption by limiting opportunities for MPs to sell their seats. They can also discourage party switches based on simple party or personal disagreements.

### **BOX 5: WOMEN'S INTERESTS AND REGIONAL CAUCUSES – AUTONOMOUS REGION OF BOUGAINVILLE**

Bougainville, the eastern-most island group of Papua New Guinea, was beset by internal conflict during the 1980s and 1990s, which was resolved through a peace agreement and Constitution for the new Autonomous Region of Bougainville. Section 80 of the Bougainville Constitution provides for the President to appoint his/her Executive Council, but based on nominations from women's and regional caucuses. Following the 2010 election, new President John Momis appointed Joan Jerome as the Women's Minister. However, when Jerome failed to get the support of the three-member women's caucus, the President had to appoint the caucus nominee, Rose Pihei, as the new Minister. Regional caucuses (consisting of all MPs from each of the three regions – North, Central and South) also provide nominees from which the President selects two Ministers from each region.

*Section 80. Membership of the Bougainville Executive Council.*

(1) Subject to Section 82 (caretaker Bougainville Executive Council), the Bougainville Executive Council shall consist of:

(a) the President; and

(b) the Vice-President; and

(c) subject to Section 101 (dismissal of members of the Bougainville Executive Council), a woman member of the House of Representatives appointed by the President, being the woman member nominated by the women members (both those elected to represent the interests of women and any women members for single member constituencies);

(d) six members appointed in accordance with Section 81 (representation of regions); and

(e) one member appointed by the President; and

(f) four members appointed by the President under Section 83 (appointment of other members).

Others argue that anti-defection measures stifle free speech and freedom of association and are thus inherently undemocratic. By concentrating power in the hands of party leaders, these laws may stifle intra-party deliberation. Critics also point out that in cases where a party fails to represent its own members or constituents, or deviates from previously agreed upon principles and policies, a representative should have the option of continuing to represent those views through defection. The constitutions of several Western democracies – including Andorra, Croatia, France, Germany, Italy, Lithuania, Romania and Spain – explicitly protect MPs' rights to vote their conscience and to exercise their own judgment. Similar provisions exist in the constitutions of Montenegro, Nigeria, Peru and Serbia. However, a wider range of emerging democracies have passed anti-defection laws or introduced constitutional measures in recent years.

Only a handful of established democracies have anti-defection measures. In 1996, New Zealand reformed its electoral system, replacing FPTP with a Mixed Member Proportional (MMP) system. Between 2001 and 2005, under the country's *Electoral (Integrity) Amendment Act 2001*,<sup>33</sup> an MP elected under the FPTP system who resigned

from his/her party would face an immediate by-election. However, MPs elected on proportional representation lists who left their parties would lose their seats and would be replaced by the next person on their party's list. In the lead up to the passage of the bill, proponents pointed out that the country had seen an unprecedented number of defections since the decision to reform the electoral system. Thus, they saw the measure as a potentially temporary one to help the country adjust to the impacts of the electoral reform. Within a few months of the law coming into effect, the Alliance Party split over whether to remain in coalition with the Labor Party. Despite announcing that he would lead a new party in the next election, Jim Anderton was able to maintain his position as the group leader with the support of the Alliance MPs who backed him in the party split. Under the law, a parliamentary group could also vote, by a two-thirds majority, to expel an MP for distorting the proportionality of party political representation as determined in the election. Anderton's critics portrayed this as a manipulation of the Act. Their outrage would eventually help condemn the legislation as a failure. The Act was, in any case, scheduled to end after two parliamentary terms. During the Act's final

## BOX 6: PAPUA NEW GUINEA'S OLIPPAC LAW

Since achieving independence in 1975, Papua New Guinea was beset with political instability including numerous motions of no-confidence, frequent party-hopping, and changes of government and Prime Ministers. Until 2002, no government had been able to survive a full 5-year term. From 2001 to 2003, new laws were introduced to provide stability. The Organic Law on Integrity of Political Parties and Candidates (OLIPPAC)<sup>35</sup> was an ambitious and far-reaching attempt at political engineering. OLIPPAC provided for the registration of parties, and the funding of party administrations (based on registration and the number of MPs). In an attempt to create greater stability, OLIPPAC also required that:

- Independent MPs either remain independent or join a political party prior to the election of the Speaker following a general election;
- Independent MPs who voted for the Prime Minister when the Prime Minister was first elected support the Prime Minister in any subsequent no-confidence motions;
- MPs not change parties during the term of the legislature; and
- MPs who were affiliated with parties vote according to the resolution of their party on: the election of the Prime Minister; no-confidence motions; the budget; and on changes to the Constitution and Organic Laws (MPs could be dismissed from Parliament for failing to do so).

These reforms appeared to be successful, as the Sir Michael Somare Government of 2002 to 2007 became the first government to survive a full term. The Somare Government was re-elected in 2007. Mr. Somare stood aside in late 2010 due to ill health, but his coalition, remained in power as of late 2011. This apparent stability can be viewed as a success of OLIPPAC. However, while Somare survived eight years as Prime Minister, he regularly replaced his deputies, and in July 2010, the Speaker adjourned parliament for four months to avert a possible challenge to Somare.<sup>36</sup>

The challenge to Prime Minister Somare was prompted by a Supreme Court ruling in July 2010. The Supreme Court ruled that the sections of OLIPPAC which forced MPs not to change parties, and to vote according to party lines, were unconstitutional restrictions on citizens' freedom of association.<sup>37</sup>

As a result, MPs now have the freedom to change parties, vote against party caucus decisions, and support whoever they want as Prime Minister. It was not surprising therefore that in the weeks following the Supreme Court ruling there were regular media reports of new alliances, and various efforts to oust the Prime Minister.<sup>38</sup>

days in 2005, the Attorney General raised concerns about the limitations the bill placed on "legitimate dissent" and suggested that it may have been in violation of the country's bill of rights.<sup>34</sup>

Papua New Guinea enacted legislation in the early 2000s to create a stronger party system with greater integrity and a more stable government (see Box 6). This legislation, which included a mix of regulations on party registration, public funding of political parties and parliamentary performance, was an acknowledgement of the relationship that exists between a political party in election campaign mode, and the MPs who then represent the party within the legislature. Although the Papua New Guinea Supreme Court repealed the legislation on MPs' behavior in parliament in 2010, this ambitious attempt at electoral engineering deserves consideration as a possible way for developing democracies to strengthen their party systems.

In South Africa, a 2003 constitutional amendment provided that, under certain conditions, members of the National Assembly could join another party without losing their seats. For instance, the number of elected representatives wishing to defect had to constitute at least 10 percent of the total number of seats held by the nominating party. In practice, this meant that defecting from a large parliamentary group was much more difficult than leaving a smaller caucus. Second, defections could only occur during defined 15-day windows in the second and fourth years of a legislature. Despite their constitutionality, these provisions remained controversial: civil society groups as well as political leaders expressed concerns about the practice. In 2006, the Inkatha Freedom Party's Mangosuthu Buthelezi argued that floor-crossing "robs the political system of all honour, holding political parties hostage by rendering them unable to discipline

their own members.” He blamed the practice for fostering “the emergence of careerists, self-serving politicians which are a very strange breed because they do not honour the sanctity of the vote cast in the ballot box.”<sup>39</sup> In addition, within the African National Congress, which benefited disproportionately from defections, concerns began to grow that defectors were sometimes given preference over longstanding members. A further constitutional amendment in 2009 ended the provision.<sup>40</sup> As a result, MPs who currently leave their nominating parties can no longer retain their parliamentary seats.

Definitions of what constitutes defection vary from one country to another. Under Chapter 63 of Pakistan’s Constitution, an MP is considered to have defected if (s) he: resigns from his/her nominating party; or votes or abstains from a vote in contradiction to his/her party’s instructions on the election of a Prime Minister or Chief Minister, votes of confidence or no-confidence, and with finance bills or constitutional amendments. Party heads, defined as any individual such named by the party, are able to declare an MP defected by informing the presiding officer and the chief election commission in writing, having provided the concerned legislator an opportunity to defend himself or herself.<sup>41</sup>

Sierra Leone’s Constitution<sup>42</sup> makes similar provisions without restricting defection to particular types of votes. Under Article 77, an MP’s seat may be declared vacant “if by his conduct in the legislature by sitting and voting with members of a different party, the Speaker is satisfied after consultation with the Leader of that Member’s party that the Member is no longer a member of the political party under whose symbol he was elected.”<sup>43</sup> The Constitution of Bangladesh simply states, “a person elected as a member of Parliament at an election at which he was nominated as a candidate by a political party shall vacate his seat if he resigns from that party or votes in Parliament against the party.”<sup>44</sup> A further provision allows the Speaker to help resolve internal parliamentary group leadership selection disputes. Belize, India, Namibia, Nepal, Nigeria, the Seychelles, and Zimbabwe also have constitutional provisions forcing legislators who resign from their parties to lose their parliamentary seats.

In some cases, defection is legal but certain restrictions apply. In Hungary, MPs who leave their parliamentary

group cannot join another caucus for at least six months. This provision provides a “cooling off” period that may help prevent defections on the spur of the moment in reaction to a specific event or particular legislative effort. If an MP has a significant, fundamental disagreement with his/her party, s/he can leave but will lose access to some privileges accorded to members of a caucus. Thus, the member must think hard about the significance of his/her disagreement with his/her party. Similarly, in Spain, MPs who leave their caucus must join a *grupo mixto* from which they can join a different parliamentary group during the next parliamentary session.<sup>45</sup>

In recent years, as part of the movement towards minimum benchmarks for democratic legislatures, there is growing support for distinguishing between defection procedures for MPs elected under proportional representation lists and for those elected under FPTP. In general, MPs elected under FPTP systems are believed to have the right to keep their seats even after defection, while those elected in PR systems are typically expected to relinquish their seats. For instance, NDI’s *Toward the Development of International Minimum Standards for the Functioning of Democratic Legislatures* notes: “In a non-party list electoral system, membership of a parliamentary group shall be voluntary and a legislator shall not lose his/her seat for leaving his/her party group.”<sup>46</sup>

The electoral systems and laws, and parliamentary rules discussed above can be regarded as the external factors that influence the behavior and performance of political parties and their MPs. However, it is important to remember that these laws and rules have usually evolved through the actions of political parties that are either in government or are otherwise able to exert their influence over the framing of legislation in the legislature. Irrespective of the electoral and parliamentary laws under which they operate, successful parties also require sound internal structures, statutes and rules. The following sections address how political parties and parliamentary groups organize themselves internally in such areas as: coordination between party officials outside and inside parliament; respective roles and responsibilities in political development; the selection of parliamentary group leaders; and cohesion and discipline within the caucus.

# PARLIAMENTARY GROUPS AND THEIR PARTIES

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## COORDINATION, REPORTING AND ACCOUNTABILITY MECHANISMS

As indicated above, political parties exert influence over their candidates and MPs in a number of ways. This in turn impacts how MPs adhere to party policies and caucus decisions. Most party statutes make some mention of parliamentary groups. However, these references range from the brief to the more extensive. Issues addressed in party statutes may include parliamentary group composition, rule development, leadership selection, reporting requirements, confidentiality, attendance and voting.

Broad statements emphasizing the need for close communication and coordination between the party outside the legislature and elected representatives are common. For example, the Australian Liberal Party statutes state that the parliamentary group and party officials outside parliament have a duty to keep each other informed of political developments and to co-operate closely. It also calls for regular meetings between the party's leadership in parliament and the party's federal president and vice presidents.<sup>47</sup>

In addition, some parties provide for the submission of formal caucus reports to the extra-parliamentary party. In the Swedish Social Democrat party, the caucus is ultimately responsible to the party congress and is required to submit a report on its work to the annual general meeting of the national party board. In addition, the party statutes note:

It is of great importance that the elected representatives of the party and other party members maintain firm and unbroken contact. In addition, conditions must be created for good contacts between the elected representatives and the electorate they represent. The elected representatives are appointed to make their own decisions on measures which are important to the citizens, and to do so in a free and unconditional

manner, but they also are the representatives of the voters and the party, and for this reason must take part in meetings and other party assemblies to be informed of the opinions and proposals of the members and voters, and to provide information of the policies of the party.<sup>48</sup>

In the Canadian Liberal Party the leader appoints a caucus accountability officer, who must also serve on the party's national policy and platform committee (and if the Party is in government, a member of the cabinet). This accountability officer is required to report to the party's council of presidents at each convention on caucus efforts to implement party policy.

There may also be provisions for the inclusion of parliamentary group representatives on party decision-making bodies. In Ireland's Fine Gael Party, for instance, members of the parliamentary group elect representatives who sit on the party executive council. These representatives are expected to share executive council work and decisions with their parliamentary colleagues as well as to report parliamentary party views on organizational matters to the executive council.

In Ghana's New Patriotic Party, the parliamentary group leader, deputy leader, Chief Whip and Deputy Chief Whip are elected by the party's National Council in consultation with the President when the party is in power. The leadership of the parliamentary group, in conjunction with the national executive committee, appoints the parliamentary spokesperson. In addition, the national council and the national executive committee each review the performance of the parliamentary leadership and spokesperson on a yearly basis.<sup>49</sup>

The Constitution of South Africa's Democratic Alliance states:

Members must at all times adhere to and support decisions of the relevant caucus and must not differ publicly from any decision once it has been taken except when it has been decided by the caucus that

a member may on a question of conscience exercise a free vote.<sup>50</sup>

The Party's Code for Public Representatives further outlines the party's expectations in terms of MPs' attendance, subject knowledge and preparation, voting, discipline, relations with civil society and promotion of the party's image and voters' interests. It also covers MPs' duties in their constituencies, including: visits, participation in branch meetings, fundraising and membership targets.<sup>51</sup>

## POLICY DEVELOPMENT

A party's statutes will usually state how policies are developed and adopted. In some cases, a national conference of party delegates will vote on party policy, requiring MPs to adhere to that policy. Another form of policy development is through allowing all party members to have a voice or a vote on policy. A third form of policy development is achieved by allowing the party caucus to determine policy.<sup>52</sup> When a party's leadership or executive determines policy without genuine input from the party's MPs, it may be difficult for the MPs to accept the party position. This increases the likelihood of MPs voting against their party. Conversely, if it is the party caucus that determines policy, this may give the MPs too much power, and the general party membership can feel disconnected from the policy process.

In Canada's Conservative Party, a National Policy Committee oversees the policy drafting process and submits policies to the national convention for approval. However, the party statutes also note that, between national conventions, the parliamentary caucus and the leader may determine interim policies of the party. The parliamentary caucus and the leader may make interim amendments to the policy declaration of the party, with interim ratification by the national policy committee.<sup>53</sup>

The Australian Liberal Party's rules make a number of provisions on the respective roles and responsibilities of the caucus and the organization outside the legislature in policy development. It confers ultimate responsibility for determining and revising the party's federal platform on the party outside parliament. However, through its leader, the parliamentary party may request that the party review its platform. In addition, the statutes give the parliamentary

party ultimate responsibility for determining the detailed means and programs by which the party platform is to be achieved. The parliamentary group leadership – ministers, shadow ministers or spokesmen elected or appointed by the parliamentary party – have primary responsibility for developing these details, but must consult with junior MPs as well as various party structures outside parliament, including women's and youth groups and party executives.<sup>54</sup>

Irrespective of which method of policy development is adopted by a party, the party caucus has a clear role in deciding how to promote the party's policies through parliamentary action. However, in politics, as in life, things can change rapidly. There are issues that arise on a day-to-day basis that require the party to take a position without a full and open consultation of the party membership. It is inevitable that a party's policies will not cover all of the detail that is contained in legislation. MPs need to be able to respond to bills and amendments, often using their party policy as a guide only. Of course, this is usually easier when policy is based on some sort of ideological, or value-based, identity. When issues arise that are not explicitly covered by a party policy, MPs need to be able to articulate the party's position in parliamentary debates and to the media with the confidence that they are truly representing their party. In these situations, it is often the role of the caucus to decide the detailed response to legislation, and the party's position on topical issues.

In Hungary, according to one respondent's experiences, his party's structures outside parliament formally determined the party platform, with the caucus deciding the party's position in parliament. However, through the party national council, the caucus and party officials outside parliament would meet to discuss issues. During these consultations, as appropriate, the caucus leader would defend the parliamentary group's position while party officials critique them. Debates would conclude with a vote. However, in the event the caucus could not convince the party leadership, the national council had no formal mechanisms for sanctioning the parliamentary group.

In Bangladesh, according to the response to the NDI survey, parliamentary caucuses rarely meet in full to debate policy. Policy is largely determined by party structures or,

in the case of the ruling party, by the Cabinet Ministers in consultation with the Prime Minister and her advisors. Occasionally, ad hoc party meetings are held to discuss policy direction and the parliamentary party follows these edicts. However, parties do refer to their party election manifestos during parliamentary debates.

Despite the provisions that many parties make in their statutes for close coordination among MPs as well as between the caucus and the party leadership outside Parliament on policy, the reality is often quite different. The following responses from the NDI survey illustrate the point.

I think it is a painful question all over the place. It is always a huge fight between the Caucus and the government. The caucus would always like to have much more input into legislation but the government doesn't like it. The government prefers to have the drafts prepared by the administration and so it is always a conflict. Our structure was that the caucus was entitled to invite any ministers, not only our ministers, but the coalition ministers, to give reports on topics, and then a political debate would ensue on that topic. At times, it became clear that the Ministers could not count on the caucus's support for his/her position on a given issue. This was a way for the caucus to exert some political pressure to influence legislation. This was a difficult thing; it is always an ongoing struggle.

-Hungary

In practice, particularly when a party is in government and especially in coalition, the party caucus is really not often consulted or given an opportunity to actually decide what legislation or policy is implemented. Ministers and their departments proceed and THEN announce what they are doing...The theory [of caucus involvement in policy development] works but in practice it can be very frustrating for backbench members.

-Ireland

Ministers come to the caucus meetings. We usually have a coalition government. Most of these discussions happen between coalition partners. The ministers would meet my caucus and the caucus of the coalition party partners. Frankly, very little

legislation comes from Parliament. In the last ten years, we had four or five bills introduced by a caucus. All the other bills have been introduced by the government. Frankly, there are no serious debates on legislation. We had to pass hundreds of pieces of legislation very quickly, which are the requirement of the international community.

-Kosovo

## CAUCUS RULES

The scope and contents of caucus rules are usually left to the discretion of parliamentary groups or their parties. However, Colombia's caucus law requires that political parties make provisions in their statutes for the functioning of their caucuses including: mechanisms for discussion, decision-making and internal discipline. It also requires that caucuses meet at least once a month.<sup>55</sup>

In the parliamentary setting, MPs' behavior within caucus will be shaped by the rules governing caucus processes. However, strong party leaders who feel secure in their position may choose to ignore the written procedures and conduct meetings in their own way. Sometimes these rules will be formalized in writing, though these are often closely guarded by the senior caucus officials, and not usually publicly available. Often rules will be unwritten, based on convention and precedent, and at the direction of the senior party leadership. MPs responding to NDI's survey in Indonesia, Kosovo and New Zealand described a variety of approaches:

When I took over the leadership position...I realized that [the caucus] does not have any rules, systems or procedures at all.

-Indonesia

We have not felt a need to have written rules, we agree on things informally.

-Kosovo

For [more than 20 years] I have been attending caucus, and I do not think there is a caucus rule book at all. [Customs] have evolved over time.

-New Zealand

Conflicts are unavoidable parts of political life: there will be times in which the members of the caucus will not be able to agree on a position with regard to a specific issue

or law. It is at these times that problems can occur if there are no clear rules as to how decisions are made. How are votes held when there is no consensus on an issue? How are motions made within the caucus? Without clear rules, the caucuses may be unable to provide an effective voice in the parliament: many disputes can be prevented by clear rules about the responsibilities and competencies of various caucus members.

While some parties leave the development of rules to the complete discretion of their parliamentary groups, others require that the rules be approved by the organization outside the legislature. In South Africa's Democratic Alliance for example, parliamentary groups must submit caucus rules to the party's legal commission, which certifies that the provisions are consistent with the party statutes. Subsequently, the party's federal council must approve the rules.<sup>56</sup>

Written or unwritten, caucus rules can be elaborate or simple. Irrespective, these rules should be known and followed by all MPs. It is the responsibility of the senior party leadership, including the leader, Whip, and, in some cases, the caucus chair or secretary, to ensure that their MPs are familiar with caucus rules and procedures, and that these are correctly followed. When party MPs stray outside the rules, they should be appropriately disciplined in accordance with established sanctions set out in the caucus rules. Caucus rules typically cover: caucus leadership selection; scheduling, conduct and minutes of caucus meetings; procedures for determining caucus positions; and disciplinary procedures. A sample set of parliamentary group rules is included in Appendix 2.

## LEADERSHIP SELECTION

Leadership structures vary from one political party to another, as does the relative balance of power between parliamentary groups and the party outside the legislature. In some cases, the party's elected representatives play the dominant role; elsewhere it is the party outside the legislature. Yet again, the two branches may be on a relatively equal footing, playing different but complementary roles. In the British political parties, for instance, real power typically lies with the parliamentary party, whereas, in France, the central party office is dominant. In the United

States, party leaders inside and outside the legislature have their respective roles and powers and neither holds a dominant position over the other. The procedures for selecting a parliamentary group leader and the typical profile of that individual partly depend on where the real power lies within the party.

In proportional representation systems, party leaders will often head their party's candidate list to "guarantee" their election to parliament and therefore maintain their leadership of the parliamentary group. In countries with strong Westminster traditions, the leader of the parliamentary group is often the overall party leader as well. Party rules may even specify that the leader has to be chosen from among the party's elected representatives. In the United Kingdom's major parties, for example, the leader of the party is automatically the leader of the parliamentary party. Similarly, when Sonia Gandhi led the Indian National Congress to success in the 2004 elections, she was unanimously elected leader of the parliamentary party. Sonia Gandhi had previously served both as party president and leader of the opposition. However, she declined the position and proposed Manmohan Singh as Prime Minister, retaining her own position as party president. This separation of the two leadership positions was relatively unusual in the Indian context.

Where the overall party leader is the *de facto* leader of the parliamentary party, parties will often institute mechanisms to ensure that candidates have the confidence and support of the parliamentary group. This helps to ensure that the selected individual enjoys broad-based support throughout the party as a whole but also retains the confidence of the parliamentary party. In the UK Conservative Party, each contender for the position of Party Leader must be supported by at least two MPs. If there are only two candidates, their names are submitted directly to all party members for a secret ballot. The candidate with the most votes becomes the party Leader. If there are more than two candidates, MPs cast ballots, eliminating the candidate with the lowest number of votes in each round until only two candidates are left. The two finalists are then presented to the full party membership for a final vote. The UK Labour Party selects its leader through a tripartite electoral college. The votes cast by: MPs and Members of the European Parliament; the

general party membership; and affiliated organizations (including trade unions) each account for a third of the overall total for each candidate. Without such provisions for balanced support, problems may arise when party members' wishes do not coincide with the views of caucus members. For example, the Australian Democrats select their parliamentary leader by a ballot of all party members. In 2001, Senator Natasha Stott-Despoja was elected parliamentary leader by a clear majority of party members, but was unable to harness majority support in her party caucus. This created internal and public splits in the party, resulting in Stott-Despoja's resignation a year later.

In most of the countries included in the NDI survey, parliamentary leadership is, if not directly chosen by, strongly influenced by the party outside the legislature. In cases where the MPs choose their own leader, such as in Bangladesh, BiH, Cambodia, Iraq and Nigeria, significant negotiations occur behind closed doors and the leader is, in effect, chosen by the party structures; although, in some cases, there is a caucus vote or decision to approve the leader as a formality. In Bulgaria, in all parties other than the Union of Democratic Forces, the highest national executive body of the party in question chooses the leader, but it is rare for the head of the parliamentary party to be someone other than the leader of the party. In Hungary's SZDSZ, MPs select the caucus leader by a two-thirds majority. The party outside the legislature may only make a recommendation as to who should hold the position. In most Montenegrin parties, the parliamentary group chair is elected by a joint session of MPs and members of the party presidency or by the caucus, following the proposals of main party organs. In one party, the president appoints the chair of the parliamentary group. In Uganda, party executives choose parliamentary leaders. In South Africa's Democratic Alliance, if the overall party leader is an MP, he/she is automatically the leader of the parliamentary group. Otherwise, the parliamentary group elects a leader from among its membership. Although caucus members may elect their own chairperson and Whip(s), any Chief Whips must be chosen using a system that the party federal council approves.<sup>57</sup>

Occasionally, there will be challenges against parliamentary leaders, and caucus rules need to state how

and when an MP can challenge for the leadership. Rules must be sufficiently demanding to discourage frivolous challenges that could divide the party or distract it from other pressing tasks, but not so stringent as to make it impossible to remove problematic leaders. Other positions, such as ministers and shadow ministers, parliamentary committee chairs and members and party Whips, may be decided by the caucus membership or party leadership. Again, the procedures for selecting these positions need to be clearly stated in caucus rules.

## WHIPS

Parliamentary parties often have one or more party Whips who play an important role in organizing MPs of the same political party. The Whip is selected from the party's parliamentary members, and is the manager of the party's business within the legislature. In larger parliamentary groupings, Deputy Whips may also be appointed to handle specific duties. The specific details vary from one legislature to another. In general however, Whips serve the following functions.

Within their own parliamentary group, Whips organize lists of party members who wish to speak on specific legislation and motions, and also organize which members are to speak during question time. As legislation is crafted, Whips play a critical role in gauging member's positions on particular issues and facilitating compromises that could broaden support for draft bills. When votes are taken in the legislature, it is usually the Whip's responsibility to count votes, for and against, in the parliamentary group and to ensure that members turn up to vote. This is particularly important when vote margins on particular pieces of legislation are close.

Whips also play an important role in information dissemination. In the United States for example, Whips prepare advisories that outline legislative schedules, including voting times. In addition, in the lead up to constituent outreach in electoral districts, they prepare recess packets outlining major points that the party would like representatives to stress with their constituents and the media. As one NDI expert noted, "Whips facilitate both a top-down and bottom-up relationship between the leadership and the backbenchers. Whips not only

promote the party line on behalf of the party leaders, they also articulate backbenchers' grievances about party policy. Whips serve as valuable gauges of sentiment in parliamentary parties."<sup>58</sup>

Whips often also perform functions similar to the role that human resource departments play in many organizations. For instance, MPs will be in close contact with Whips so that they may receive priority permission for absences or different hours, based on such needs as maternity/paternity leave or the care of seriously ill relatives. Whips will often also support the development of new MPs. In Westminster, for instance, each Whip is responsible for MPs from particular regions and contacts new legislators to offer advice, to ensure that they are getting appropriate experiences and to assist them in thinking through any conflicts over voting. As one study noted, "friendly and approachable, these Whips are prepared to pass on information, to be good listeners, to help backbenchers overcome inconveniences, and to assist with personal problems."<sup>59</sup> As Whips sit in the Chamber on a regular basis, they can observe how members develop and perform over time. These processes also help Whips identify new MPs who have leadership potential as ministers or shadow ministers.

In addition to their responsibilities within their parliamentary groups, government and opposition often use a combination of formal and informal communications to facilitate the functioning of parliament. This may include weekly meetings to discuss and arrange parliamentary business and daily contact to deal with ongoing scheduling issues and possible amendments to pending legislation. On days when the legislature sits, Whips from the various parties will meet to discuss and plan the day's proceedings, and liaise with the presiding officer in regard to the speaking order. Pairing is an arrangement used in the United Kingdom, Australian and other legislatures whereby an MP of one party agrees with an MP of another party to miss a vote. This allows both MPs to temporarily absent themselves from parliamentary proceedings – for example, due to illness, Ministerial responsibilities, important constituent functions – without affecting the general balance of votes in the legislature. Whips often negotiate these 'pairs' and monitor the ongoing operation of the legislature to ensure

that party decisions are implemented through correct voting and orderly speech-making.

In South Africa's African National Congress, Chief Whips from the national and provincial legislatures are part of a forum that works to ensure effective political management and coordination of caucus activities. In addition, during weekly meetings, party Whips in the National Assembly and the National Council of Provinces review implementation of the party's strategic plan, discuss the activities of the various political and administrative units, adopt reports and take decisions on strategy and other issues.<sup>60</sup>

One study on the Westminster system described Whips as the "gears of the parliamentary machine," emphasizing that, although the position is often associated with coercion and control, in practice, it is much more about developing informal authority based upon indebtedness and gratitude. The study adds that "[many] Whips... [have] described backbenchers coming to them for 'guidance, advice, help, or support,'" and that "the Whips' Office is organized for giving. Its gifts, or investments, include minor favors, exceptions to the rules, and tolerating delinquency."<sup>61</sup>

Given these responsibilities, Whips are usually senior MPs who have considerable influence with the party leadership and a wide network among junior MPs, also known as backbenchers. The leader's door should always be open to the Whip and the Whip's door should always be open to the backbenchers. At the source of the Whip's capacity to persuade is his/her management of rewards and sanctions, parceling them out strategically among party members. While rewards may include ministerial postings, memberships and chairmanships of various committees and appointments on foreign delegations, sanctions can range from the withholding of such perks to excommunication from the party. In some countries, parties are even alleged to have held records chronicling various secrets about their members, and Whips' offices are suspected to have been the repositories for these "dirt books," which could be used to induce MP loyalty.<sup>62</sup>

Parties and parliamentary groups may elect or appoint their Whips but the desirable qualities remain the same (see Box 7). They should be experienced members of the legislature that have a thorough knowledge of standing

## BOX 7: WHIPS

### Responsibilities

- Organize the party's list of speakers
- Allocate questions for question time
- Ensure MPs attend votes
- Meet with other party Whips to plan parliamentary business
- Negotiate pairings (where two or more parliamentary groups agree to have the same number of members absent, thereby maintaining the balance of votes in the legislature)
- Liaise between party leadership and members
- Liaise with presiding officers, clerks, and other party Whips
- Ensure that legislature action is consistent with the party's platform and caucus decisions
- Serve as a back-up party media spokesperson

### Desirable Attributes

- Parliamentary and party experience
- Knowledge of standing orders and parliamentary procedures
- High standing, respect and trust within the party, its leadership and among MPs
- Good communication and negotiation skills

orders and parliamentary conventions; the confidence of their fellow members and the trust of the party leaders; strong connections with the organizational wing of the party; and good communication and negotiation skills.

## DIVISION OF LABOR IN PARLIAMENTARY GROUPS

There are many policy issues that will arise in a legislature – health, land reform, education, etc. It is rarely feasible for members of the legislature to effectively cover all portfolio issues. One way to ensure that caucuses use their time effectively is through a division of labor that assigns each MP primary responsibility for particular topics. Through this division of labor, MPs can develop a degree of mutual trust and confidence in each other's knowledge and expertise on specific areas. This reciprocal arrangement is not abrogating an MP's responsibility – an MP still needs to be comfortable with how he/she votes in

the legislature; it simply allows MPs to use their time more effectively, by working co-operatively with other caucus members.

The first, and most common, method is to divide the work based on subject area: in many cases the subjects or areas of concern reflect the ministries in the government. The second method is to assign work geographically. Each member of the caucus is responsible for a specific district or community within the municipality (possibly an area in which they reside or have a connection to). The voters in that area feel a stronger connection to the member, and subsequently the party and caucus, because that member takes an interest in the issues that concern the voters in the community. Parliamentary groups operating in proportional representation list systems often choose to organize their constituent outreach based on this approach.

In larger caucuses, groups of MPs may be assigned to particular issue areas. In Finland's parliament, caucuses that have several MPs assigned to each committee will select a member to chair the party's representatives on that committee. Each committee group meets as necessary. A caucus deputy chairperson leads weekly meetings where the chairs of each of these committee groups come together to coordinate, to update each other on developments in the committees and to determine what matters should be referred to the broader parliamentary group for discussion. Thus the committee group chairs play influential roles in shaping the party group's stance on different bills in committee.<sup>63</sup>

Similarly, in South Africa's African National Congress (ANC), all MPs are allocated to study groups that serve as portfolio sub-committees of the caucus. A chairperson heads each study group and is assisted by a Whip. Each study group feeds into particular parliamentary committees and proposes ANC parliamentary caucus policy for the relevant focus area. This arrangement is possible in large part due to the sheer size of the ANC caucus (264 out of 400 members, as a result of the 2009 National Assembly elections). However, even smaller caucuses will, formally or informally, institute a division of labor by appointing spokespersons or issue experts for various policy areas.

Shadow Cabinets, common within the dominant opposition party in Westminster-style legislatures, are another example of the division of labor within

parliamentary groups. The group – a subset of the parliamentary group or caucus – is constituted to reflect the structure of the cabinet, with each member of the shadow cabinet assigned to one or more ministerial-level portfolios. The leader of the opposition typically serves as the Shadow Prime Minister. Shadow Cabinets typically include the senior leadership of the parliamentary group or caucus, appointed by the parliamentary leadership (usually by virtue of their experience and issue-area expertise) or elected by the caucus. In some cases, opposition parties will also select Shadow Ministers for portfolio areas where there is no government minister equivalent, as a way of showing the opposition's different policy priorities. Shadow Cabinets allow the opposition in the legislature to: deepen sector expertise; work more effectively; and convey the image of a “government-in-waiting.”

Shadow Ministers establish peer-to-peer relationships with government ministers. For instance, the Shadow Chancellor of the Exchequer typically responds to the budget introduced by the Chancellor of the Exchequer; similarly, the Shadow Minister of the Environment would usually respond to initiatives introduced by the Minister for the Environment. These peer-to-peer relationships allow the leader of the opposition to focus on responding directly to the prime minister. As such, the opposition leader's time and influence can be used more strategically.

An expert at an NDI workshop spoke about some of the challenges he faced in his role as Shadow Justice Minister, and how he addressed them. His opponent, the Justice Minister, had 3,000 civil servants working for him, while he had no paid staff. Moreover, he was constantly busy with the regular activities of being a legislator: working in committee, maintaining contact with his constituents and fulfilling their requests. “It isn't easy to keep informed...we don't have lots of resources,” he said. He managed by maintaining a team of volunteer experts: a law lecturer, two lawyers, a former judge, two police officers, a welfare worker, a penal reform expert and someone from the private security sector. This team conducted research, drafted speeches, worked on draft bills and offered counsel. For his own research, he relied on the library made available to the Irish Parliament.<sup>64</sup>

Shadow Cabinets typically meet weekly – separate from the rest of the parliamentary group – just like actual

Cabinets. In addition to these Shadow Cabinet meetings, the larger parliamentary group meetings provide the Shadow Cabinet an opportunity to brief and engage their colleagues. Although Shadow Ministers may ask groups of members from the rest of the parliamentary group (backbenchers) to investigate and make proposals on particular issues, the Shadow Cabinet is typically responsible for final decisions on policy.

Shadow Ministers are often the ranking minority members on portfolio committees, which allows them to feed into the committee system and cultivate relationships with various actors in their sector, which strengthens policy development. Further, the allocation of responsibilities makes clear which member of the opposition will take the lead on communicating the party's position on a given issue. It also facilitates requests from the media, who can easily refer to the list of Shadow Cabinet members to contact for statements on particular issues.

Shadow Cabinets are generally most effective under Westminster style systems, because cabinet members are also sitting MPs. However, extra-parliamentary Shadow Cabinets have also been tried – in BiH, for instance – as a way of countering ineffective parliaments or authoritarian control over the political agenda.

## CAUCUS MEETINGS

No caucus will be able to reach a consensus on every issue. However, members are more likely to respect the decision of a caucus if there has been an attempt to find a compromise. From the leaders' point of view, open and frank discussion behind closed doors may allow members to get concerns off their chests and eventually make peace with supporting the party view. Leadership styles also affect the extent to which members may feel this option is available to them. As one study of the United Kingdom's Parliamentary Labour Party notes:

The Smith leadership was content for controversial issues to be hammered out collectively in the [Parliamentary Labour Party (PLP)] in the hope that if backbenchers vented their spleen in private, they would be less likely to mouth off and vote against the party line...One valuable lesson from the Smith period is that making a little time to listen to the gripes of the lowliest backbenchers

allows the infantry to let off steam, achieve a more contented PLP and a more effective leadership.<sup>65</sup>

The size of a caucus may limit the extent to which its meetings can serve as a discussion forum, regardless of the style of its leadership: in smaller groups, it is much easier to hear all views and reach agreement.

Because Belgian [Party Parliamentary Groups (PPGs)] are small, the PPG meeting provides a workable arena to smooth over differences of opinion, where particularly contested issues may return to the agenda for several weeks. Moreover a strong division of labour makes it uncommon for a member to intrude upon the field of the policy of another and thus further reduces the possibility of dissent...in Britain and France, on the other hand, their larger size makes [such] meetings less amenable.<sup>66</sup>

Caucus meetings are usually weekly and are held at a set time on sitting days. Caucus rules will typically outline these details, as well as mechanisms for calling emergency meetings, which may be needed to consider urgent legislation, to adjust strategy in response to new issues, or to consider a leadership challenge.

Caucus meeting agendas normally follow a standard course of considering parliamentary action. A typical agenda may include: the Leader's address; Whips' comments; government bills for debate; question time strategy; non-government motions; and general business. While the emphasis of caucus meetings will necessarily be dictated by parliamentary business, provisions may also allow MPs to raise additional issues. For example, an MP may have a concern that is relevant to his/her own constituency, and wish to see if other MPs have similar concerns. From such a discussion, the party may identify a need to take further action or amend a policy.

Caucus rules should include standard meeting procedures that cover how discussions progress, for how long people can speak, how debates can be concluded and the process for taking a vote (for example, show of hands, secret ballot or on the voices). Caucus meetings may sometimes include members of the party's non-parliamentary executive, such as the party secretary general and members of government – ministers, for instance – who are not sitting MPs. During policy debates, the

caucus may also want to hear from non-party experts in the portfolio area. The caucus rules should also clearly state who is entitled to attend caucus meetings.

The recording of caucus meeting minutes is generally the responsibility of the Whip or a caucus secretary. This is important for avoiding future conflicts on party direction. As the caucus membership changes from election to election, these minutes form the institutional memory of the caucus; thereby ensuring the party remains consistent in regard to specific issues. At the same time, given the often sensitive nature of discussions at their meetings, parliamentary groups may be wary of recording certain details and may choose to simply note that discussions occurred and record the decisions made. Although it is unusual for caucus meetings to be regulated by law, under Colombian legislation, caucuses must keep minutes of meetings where legislative strategy and voting decisions are made. The minutes are intended to serve as evidence in cases where parties take disciplinary action against their MPs.<sup>67</sup>

## INDIVIDUAL FREEDOM VERSUS PARTY COHESION

Theoretically and practically, the greatest tension that often exists for an MP is in determining when to go against the party when he/she opposes the party on a particular issue, and when to forgo his/her individual freedom on a given issue for the good of party loyalty, solidarity and cohesiveness. One study named this tension as the legislator's dilemma:

Legislators face the following options when voting on policy decisions. First, they can choose to support their voters and stand a good chance of re-election. Second, they can consistently support their party and vote with their party on policy issues, thereby ensuring their ability to rise in power in the party, attain nomination for the next election and seek other benefits as a virtue of their loyalty and status in the party.<sup>68</sup>

While the two options above are not always mutually exclusive, there are other conflicts that legislators may face. For instance, their personal beliefs may clash with their constituents' opinions, regardless of the party position,

or they may be tempted to defect to another party in exchange for public appointments or personal gain.<sup>69</sup> These dilemmas are regularly played out within party caucuses, and it is this potential conflict that MPs must consider – whether they are representing the interests of their constituents, acting in the interests of their party or following their own personal beliefs and values. These interests will often be aligned, but in cases when they are not, the question is: should a party direct how its MPs are to act and vote in parliament?

The degree to which policy platforms are specific and based on ideological values plays a role in this dynamic. According to one study, in the aftermath of Slovakia's 1989 revolution, with the exception of the Communist Party, parliamentary groups were "little more than informal groups of like-minded MPs." Some of these informal groups eventually became political parties. But in the following years, various groups struck alliances with little information about their partners. While some parliamentary groups experienced no defections between 1990 and 1997, others split over a variety of issues. These splits would eventually help create more cohesive parties.<sup>70</sup> Thus, the development of unified parliamentary groups can evolve over time as parties and their MPs begin to coalesce around similar values.

Individual MPs from parties with a clear ideological foundation will be more likely to toe the party line than representatives from parties that have vague goals for improving their countries. Essentially, as indicated elsewhere in this paper, when MPs have been elected using party 'branding' (such as being identified as a party candidate on the ballot paper, or associating themselves with party material in their campaigning), there is an expectation from voters that the MP will act in accordance with his/her party's policy platform. Political parties typically develop a policy platform for an election, and when successful in winning government, this popular support is viewed as a mandate to implement those policies. Under the 'mandate theory' of democracy, a party's MPs should subsequently support the party's position in parliamentary votes, in order to truly reflect the voters' wishes in parliamentary action.<sup>71</sup> Therefore, allowing MPs total vote freedom, once they have been elected on a party affiliation, platform or, especially, on

a party list, would undermine the purpose of having a strong party system. In such cases, parliaments can become chaotic and overwhelmed by fluctuating alliances, with MPs becoming more concerned with their own self-interest than party cohesiveness or national interest. Voters quickly become disenchanted with their MPs and turnover of MPs at elections increases.

Conversely, if parties have complete control over their MPs, voters may perceive that their local MP is not representing them. It becomes increasingly difficult for MPs to argue they are listening to their constituents, while those constituents are aware that the MPs have to take orders from the party. The ideal is somewhere between these two extremes: the challenge is finding the balance between individual freedom and party cohesion.

Since the interplay between constituents and MPs is vital in a representative democracy, as well as a key way of ensuring that political parties do not lose touch with public opinion, it is important for MPs to maintain a connection with their local communities. Through public committee hearings, submissions from citizen groups and other, similar activities, MPs can solicit and incorporate a range of views into their lawmaking functions. At the same time, constraints often prevent MPs from consulting their constituents on each individual issue, while doing so would render MPs powerless to act expeditiously on pending or urgent issues. Furthermore, if MPs were solely driven by their constituents' views, necessary but unpopular legislation would never be passed. Therefore, the effective functioning of parliaments often requires MPs to judge issues and make decisions that are informed by a balanced combination of constituents' perspectives and party values, as well as an understanding of the issues.

Party rules should clearly address the possible conflict between individual freedom and party solidarity. The statutes of the Swedish Social Democrats recognize some of these tensions by outlining a combination of elected representative rights and responsibilities. While noting MPs' "unreserved right, in accordance with the party's principles and political programme, to form his/her own views and to take decisions within the areas covered by the post of elected representative," the rules also remind them of their the obligation to "permit [their] decision to be guided by the party's ideas and decisions on principle...

and to act in a manner consistent with the fundamental values of social democracy.”<sup>72</sup>

In the Australian Labor Party, party solidarity is firmly enforced, as its statutes clearly state:<sup>73</sup>

1. Policy at the national, State and Territory level shall be determined by the national, State and Territory conferences respectively. Such decisions shall be binding on every member and every section of the Party, or of the relevant State or Territory Branch.
2. On matters that are not subject to National Platform or Conference or Executive decisions, or their State and Territory equivalents, the majority decision of the relevant Parliamentary Labor Party shall be binding upon all members of the parliament.

By contrast, the Australian Democrats, who determine policy by a vote of all party members, do not compel its MPs to follow policy. However, when voting against party policy, MPs are required to “make it clear that [their own views] do not reflect those of the general membership of the party.”<sup>74</sup>

In the United States, the Democratic Party requires party solidarity only on matters of leadership or committee positions:

With respect to voting in the House for Speaker and other officers of the House, for each committee chairman or ranking minority member, and for membership of committees, a majority vote of those present and voting at a Democratic Caucus shall bind all Members of the Caucus.<sup>75</sup>

In Ireland, the Sinn Fein party requires that MPs follow the directions of the party’s national executive.<sup>76</sup> This example is indicative of a party’s organizational wing having greater influence over its parliamentary wing, and one that can create internal party conflict if the two wings of the party are in disagreement. This is less likely to occur if senior parliamentary party leaders also hold senior positions (or are able to exert strong influence) in the party’s executive. In the Sinn Fein example, the party’s caucus retains responsibility for imposing sanctions against recalcitrant MPs.

Depending on party and legislative rules and custom, legislators may have a number of options available in carefully balancing personal, constituent and party positions. The first is discussion with their fellow caucus members. Caucus meetings and Whips can help party

leaders in the legislature gauge the mood and positions of their members. But there will be times when discussion behind the closed doors of a caucus does not fully address member concerns. In Portugal, despite strong regulatory incentives for party cohesion in the legislature, elected representatives have used a sliding scale of options to voice degrees of dissent from their party positions, including: voluntary absence from the chamber or even temporarily stepping down to allow another party official to take their place for the vote; proposing legislation or amendments at the committee stage, thereby forcing a discussion about their concerns; and issuing press releases. The last of these typically occurs in combination with vote dissent but offers legislators another way of letting particular constituents know of their efforts to defend a particular position. In addition, in the Portuguese Parliament, for most votes taken, MPs can produce a vote explanation: a written document explaining their vote. The Parliament publishes these explanations together with information on the parliamentary debate leading up to the vote. Since the media covers vote explanations, particularly those in which MPs criticize aspects of their party’s position, this provides MPs a way of publicly expressing discontent without fully breaching party discipline.<sup>77</sup>

Another ongoing debate is whether or not party cohesion is easier for caucuses in government or for those in opposition. Parliamentary groups in government may be able to more easily entice party unity by delivering attractive positions in government. However, parties in government are often forced to take a stand on divisive issues and have to broker compromises. This can create tensions between backbenchers and Cabinet members, straining party unity. Where government has a large majority, leadership may be willing to tolerate defections, but will insist on complete unity when a close majority requires that every vote count. In some cases, as they take advantage of government bureaucracy to research and refine policy options, parties end up pushing things through their own caucus with limited discussion.

Opposition parties frequently have their own problems maintaining party cohesion. Especially in transition countries, where there are often limited resources and strong governing coalitions, opposition MPs’ inability to have an impact on the legislative process can lead to frustration. Furthermore, opposition party leaders usually

**TABLE 5: FREEDOM TO EXERCISE A ‘CONSCIENCE’ VOTE**

Country	Are MPs Generally Compelled to Vote with the Caucus?	Are Exceptions Made for Conscience Votes?
Bangladesh	Yes	No
Bosnia and Herzegovina	Yes, or become independent	No
Bulgaria	Yes	No
Cambodia	Yes	No (theoretically yes)
Colombia	Yes, except in matters of conscience	Yes - ‘issues of conscience’ stipulated
Hungary	Yes, unless 2/3 caucus agrees to allow dissent	Yes, on conscience issues - abortion, euthanasia, etc.
Ireland	Yes	Very rarely
Iraq	Yes, in principle	Yes
Kosovo	Yes	Yes, on local issues
Mali	No	Yes
Montenegro	No, but consensus usually achieved	Yes, but party discipline relatively strong
Morocco	No	Yes (as MPs are generally free to vote anyway)
Nigeria	No, but consensus usually achieved	Occasionally
Pakistan	Yes, on confidence, supply, leadership	Yes, except for confidence, supply, leadership
Peru	No	Yes (as MPs are generally free to vote anyway)
Serbia	Mainly yes	Only on less-important issues
South Africa	Yes	No
United Kingdom	Depends on importance of issue/legislation.	Only on certain social issues - death penalty, abortion, etc., and local impact issues
Yemen	Yes	Generally free to vote

have to rely on their personal charisma to maintain caucus cohesion and sustain MPs’ faith that they will eventually attain power under the current leadership. For those opposition parties that stand little chance of a breakthrough, individual MPs often break ranks, question the leader’s strategy and sometimes even leave the party.

### *Conscience Votes*

In many parties, MPs will be given a ‘free’ or ‘conscience’ vote on certain policy areas, sometimes considered matters of social conscience. Common definitions of issues of

conscience include: abortion; the death penalty; genetic engineering; stem cell research; sexual orientation; and voluntary euthanasia. This strategy can help avoid dilemmas that a party may face in formulating a policy on such issues, and avert potentially damaging internal party splits. In Colombia, an NDI study found that each party defined issues of conscience differently. While some parties simply provided for MPs to vote according to personal reasons of conscience, submitted to the caucus for approval, others gave examples of the types of issues involved, which included: religious and ethical principles;

military service; customary practices (for elected representatives from indigenous communities); organ transplants; euthanasia; and the political participation of women and youth.<sup>78</sup>

In the countries NDI surveyed, the degree of freedom that MPs can exercise varies widely (see Table 5). It is also not uncommon for parties to state that their MPs are free to vote according to conscience on any issue, while in practice they coerce their MPs to vote as a bloc. An MP's desire for future party pre-selection or campaign funding can be a powerful motivator that overrides personal conscience, especially in democracies where voters primarily identify with a party rather than an individual candidate.

In some cases, parties will allow their MPs more flexibility depending on how important they consider the legislation at hand. In response to NDI's questionnaire, political experts from the United Kingdom noted:

It depends on the number of "lines" the Whip and leader assign to each item of parliamentary business. A three-line whip means you have to be present in the Chamber and vote the party line unless you have obtained special permission. A two-line whip is rare – never used when in Government in my experience. In opposition it seems to mean that you should be there but you are more likely to be given permission to not be there if you ask! If there is a vote you could still be expected to vote with the party. You are always told when there will be a free vote. Sometimes issues arise during the parliament where people argue for a free vote as it is not a party political issue even if Government has a position on it.

MPs may also be given freedom to vote against their party if a particular issue or piece of legislation has a specific impact on the MP's own electorate. In such cases (for example, the establishment of a waste dump, which may be in the national interest, but bitterly opposed by local residents), it would be in the party's interest for their MP to maintain local support by opposing the party on that particular issue. This is more likely to occur if the MP has a strong local following, and if the MP's vote is not critical to the overall outcome. However, a well-informed electorate may also see this as a disingenuous attempt at maintaining local support.

## DISCIPLINE

Inevitably there will be times when an MP breaches the rules of his/her party. This may include public statements disagreeing with the party's policies or leaders, or voting against the party's position in parliament. A party's willingness to take action against an MP may be influenced by a number of factors, such as the severity of the offense, the impact that losing the MP would have on the numbers in the legislature, the MP's support base in the party and whether the party relies on the MP for financial or other support. Other than expulsion from the party, the most serious threat to an MP can be the potential loss of pre-selection for the next election. For MPs who are nearing retirement or wanting to leave the party anyway, this would not act as a significant deterrent.

As indicated elsewhere in this paper, in certain countries, a legislator's right to vote on legislation based on his/her personal views is protected by law. While these provisions may ensure that MPs retain their seats regardless of how they vote, parties will often find ways to discipline their MPs. Regardless of any legal protections that may exist, ultimately, legislators will make their decisions based on a range of factors including the extent to which they have ambitions within or commitments to the party that nominated them for office.

The potential for rewards may serve as added encouragement for discipline. Examples include opportunities for leadership positions within the parliamentary group. However, in countries where ministers may be drawn from outside parliament or in caucuses where strict rules of seniority apply, parliamentary leaders may be deprived of this potential "reward" for loyalty, thus weakening incentives for legislators to toe the party line. Where parties have the resources to contribute funds to election campaigns, they may vary their support based on a legislator's loyalty to the party caucus. Other rewards, including the opportunity for international trips and invitations to high profile events, will often be distributed through the Whip's office.

Where positive encouragement fails, sanctions range in severity, depending on the nature of the offense. Responses to the NDI survey described: verbal warnings from the party or Whip (BiH) or paying a fine of approximately

\$250 (Hungary) for relatively minor infractions. For more serious offenses, penalties include loss of committee appointments and other patronages (Nigeria); and in extreme cases, expulsion from the party or caucus (Bangladesh, Ireland, Pakistan, South Africa, UK, Yemen). In some countries, there were also references to undated resignation letters that legislators are required to give to their parties during the nomination process. These are kept on file and activated should MPs begin to deviate from the party line. These letters provide party leaders with a way to enforce discipline and promote cohesion in the parliamentary group, especially in cases where constitutional provisions guarantee MPs' right to a "free vote." In this way, the parties seek to preserve their level of influence in the legislature until the next election. In Slovakia, party leaders imposed cohesion using a variety of mechanisms. For instance, parties required candidates to sign a letter promising to toe the party line. The Movement for a Democratic Slovakia required candidates to pledge payment of approximately \$166,000, more than ten times the annual salary of an MP, should they leave the party and remain in parliament.<sup>79</sup>

Some parties have a formal procedure for reviewing legislators' performance as part of the candidate selection process. In the United Kingdom's Conservative Party, incumbent MPs are automatically included on the Approved Lists from which party branches select their parliamentary candidates, unless they have been suspended or dismissed from the parliamentary group. In such cases, additional steps – a review by the Selection Committee, for instance – are required for the legislator to make it onto the Approved List. In South Africa's African National Congress, the review process includes a self-evaluation by each legislator as well as an assessment of each legislator's performance by the party's parliamentary leadership and provincial or regional party secretaries.

Caucus rules should clearly state what actions are to be taken when an MP breaches the rules; and these actions should be established in proportion to the severity of the offense and the MP's previous record. For example, a first offense of speaking out against a party's policy (if this is not allowed) could be met with an informal reprimand from the party leader. Further offenses could result in a small committee being formed to attempt conciliation between

the party and the MP. In more serious cases where an MP has voted against the party in a critical vote, the rules may require expulsion from the caucus.

Disciplinary caucus rules should be consistent with the party's statutes and the rules of the legislature. The disciplinary process should also be consistent with the state's laws and the principles of natural justice and procedural fairness. In Ireland's Fine Gael, for instance, elected representatives can vote to suspend or expel an MP from the parliamentary group, but only provided that the MP has been given adequate notice and afforded the opportunity to submit evidence defending his/her position. Suspended members have the option of appealing to the party's disciplinary committee.<sup>80</sup> In addition, a suspended MP may only be reinstated by a two-thirds majority vote of members present at a caucus meeting, which all members must be notified of at least four days in advance. In the Hungary case referenced above, after five fines, MPs must resign from the group. In South Africa's Democratic Alliance, the national leader, a provincial leader, the caucus leader or Chief Whip may refer an MP to the party's Disciplinary Committee for misconduct. Pending the outcome of the party disciplinary committee's enquiry, the caucus may, by a majority decision, suspend the MP from attending caucus meetings.<sup>81</sup>

# CONCLUSION

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Effective parliamentary party groups or caucuses are critical for the creation of more representative political parties and the efficient organization and management of parliament. How parliamentary groups are organized also affects legislative institutions' ability to conduct their oversight, representational and lawmaking functions. In addition, the responsible use of legislative power assists the credibility of parliament as a democratic institution. While committees are often described as the "engine rooms" of parliaments, it is in parliamentary groups that party leaders in the legislature set the course for their members' action in committees and in the plenary. This includes discussion over how and when to compromise on policy issues and when to take more confrontational stances. These factors, in turn, have direct effects on how parties develop, modify and articulate positions on public policy issues. Given the political sensitivities involved, information about the internal functioning of parliamentary groups, particularly questions surrounding internal decision-making processes, cohesion and discipline are often shrouded in secrecy.

The resources available to parliamentary groups affect their ability to research policy and interact with the citizens they are supposed to represent. How procedural rights are allocated within the legislature – typically among parliamentary groups – helps determine opportunities to shape legislative agendas, pose questions, and introduce legislation. How well a parliamentary group organizes its internal affairs will, in turn, affect its ability to advance the interests of its party by taking advantage of whatever administrative and procedural rights accrue to caucuses.

Public perceptions of political parties are greatly influenced by the performance of parliamentary groups and individual members of the legislature. Through their actions in the legislature, caucuses often become parties' primary means of developing and shaping policy in-between elections. When functioning properly, parliamentary groups allow parties to effectively promote their policy positions and reach out to the public through their elected officials, demonstrating their relevance and their ability to address citizens' concerns. However, in

emerging democracies, parliamentary groups, like other democratic institutions, are often weak and may be plagued by: limited resources; loosely-defined identities; ineffective legislative strategies; and lack of internal deliberative mechanisms.

Despite their critical role at the nexus of legislatures, political parties and citizens, parliamentary groups are often overlooked in democracy support efforts with projects concentrating on strengthening technical aspects of legislative development – committees and standing orders, for instance – or building political party capacity to organize outside the legislature. A growing number of democratic development specialists are now highlighting the need for greater integration of parliamentary and political party development work to address this challenge. In addition, various efforts to develop democratic standards for legislatures have incorporated benchmarks for parliamentary groups. In general, they call for: clear rules on the formation, rights and responsibilities of parliamentary groups; the allocation of adequate resources and facilities for party groups using clear and transparent formulae that do not unduly advantage the majority party; and the rights of legislators to form issue-based caucuses. Some also address a legislator's right to vote against his parliamentary group or to leave his/her party without forfeiting his/her seat.

The primary focus of this paper has been the relationships between parties and their elected representatives and how party representatives organize themselves within the legislature. How political parties and MPs address these issues varies based on their operating context, size, the resources available and the extent to which the party is institutionalized. In general, however, the most effective parliamentary groups have found the following to be useful in organizing their work.

Clear rules help parties and parliamentary groups define lines of communication, authority and accountability between the parliamentary group and the party outside parliament; procedures for the regular selection (and possible de-selection) of parliamentary group leaders;

decision-making procedures including the possibility of conscience votes where appropriate; and expectations for MP conduct in such areas as discipline, confidentiality and attendance. Rules should also incorporate checks and balances and other safeguards that prevent the monopolization of power by particular individuals. Such rules, if known to MPs and applied equally to all, are often the first step in encouraging participation while promoting cohesiveness. That said, parties constantly change and update their rules due to various internal and external influences.

Regular, participatory, meetings allow parliamentary groups to discuss and reach agreement on issues pending in the legislature and coordinate outreach to the media and citizens. By circulating meeting agendas in advance, parliamentary group leaders can provide MPs the opportunity to prepare for the discussion. Giving MPs the opportunity to air their views and concerns may increase the chances that they voluntarily vote in line with the group. In addition, the exchange of views may help parliamentary groups refine their policy positions. Parliamentary groups should also consider adopting additional mechanisms that promote coordination and information sharing in between, or in addition to, meetings: this may include the appointment of Whips, the development of briefing packets to ensure message coordination and the distribution of other electronic or written materials.

Through an effective division of labor among MPs, parliamentary groups can make more efficient use of resources and deepen legislators' knowledge in particular policy areas, thus better positioning themselves to take informed positions on issues. Such coordinated action makes it more likely that a parliamentary group will be able to inspire public confidence.

In addressing matters of discipline, parliamentary groups and their parties should seek to: strike a balance between the need for cohesive action in the legislature and recognition of the right to legitimate dissent; ensure sanctions are in proportion to the severity of the offense; and allow MPs a fair hearing, including the possibility of appeal and the right to defend themselves before the leadership.

# APPENDICES

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## APPENDIX 1: EXTRACTS FROM BENCHMARKS FOR DEMOCRATIC LEGISLATURES

### *Toward the Development of International Standards for Democratic Legislatures (National Democratic Institute for International Affairs, 2009)*

#### 4.2 PARTY GROUPS

##### ***4.2.1 Criteria for the formation of parliamentary party groups, and their rights and responsibilities in the legislature, shall be clearly stated in the rules.***

Parliamentary party groups are a key device for the translation of political party policies and campaign promises into legislative reality. Party groups allow for groupings of citizens to continue to be organized and active when elected into the legislature. The justification for party groups is typically based on one of two premises: that in a non-party list electoral system, legislators are free to exercise their basic rights of freedom of association to join, or not join, an association (in this case a party group); or, in a party list system, that political parties must be able to operate and actualize their policies within the legislature. These party groups play a fundamental role in the legislature. In addition to undertaking legislative initiatives, they are typically instrumental in appointing legislators to committees and laying out the timetable for debate. In these ways, party groups perform a crucial function in national political life. Membership of a group may or may not be obligatory; formation of a group may require one person or it may require 10; the group may allow members from one party only, or it may allow several. The minimum standard, however, is that the criteria for the formation of parliamentary party groups, and their rights and responsibilities, shall be clearly stated in the Rules of the legislature. This minimum standard for democratic legislatures has been explicitly called for by the Commonwealth Parliamentary Association.<sup>82</sup>

The existence of party groups in the legislature is the global norm. In some countries, their establishment is even expressly mandated in the Rules of the House. This is the case in Greece, Norway and Brazil.<sup>83</sup> The number of legislators required to form a group varies across the spectrum, from none at all in Japan, the Netherlands and the United Kingdom, and five in Belgium and Brazil, and 20 in the Indian Lok Sabha. The party groups may comprise members of one party only, as in India and Philippines, or they may comprise members from more than one party, as in Greece, Japan, Poland and Senegal. Most uniform, however, is their important role in arranging for the ordering of debate. Their involvement in the work of the managing organs of the legislature, frequently through a “conference of presidents,”<sup>84</sup> allows them to lay out the timetable for debates, and is thus of crucial political importance. Given this important role, it shall be a minimum standard that the criteria for the formation of party groups, and their rights and responsibilities, shall be clearly stated in the rules of the legislature.

##### ***4.2.2 In a non-party list electoral system, membership of a parliamentary party group shall be voluntary and a legislator shall not lose his/her seat for leaving his/her party group.***

The right to freedom of association, as articulated in the *Universal Declaration of Human Rights*<sup>85</sup> and the *International Covenant on Civil and Political Rights*,<sup>86</sup> is a fundamental human right and a basic tenet of representative democracy. In addition, it is explicitly stated in international law that “no one may be compelled to belong to an association.”<sup>87</sup> It is a logical corollary, then, that legislators elected into office on a free mandate shall be free to join or not join a party group. When legislators are elected into office in a party list system, it is understood that his/her constituency is his/her party, that he/she will act as a party member first and foremost in the legislature, and that he/she is accountable to the party and is

subject to rules guiding his/her actions within the legislature. In such systems, it is not uncommon for legislators to lose their seat for voting contrary to the party line. This minimum standard does not apply to such systems. It applies to all others. This minimum standard is well practiced around the world. It is already the case that membership in party groups is voluntary in a number of countries including, but by no means restricted to, Australia, Belgium, France, Ireland, Japan, Mali, the Netherlands, New Zealand, Poland, Senegal, Switzerland and the United Kingdom.<sup>88</sup> It is the norm, moreover, in non-party list systems that a legislator does not lose his/her seat for voting against the wishes of the party group.

***4.2.3 The legislature shall provide adequate resources and facilities for party groups pursuant to a clear and transparent formula that does not unduly advantage the majority party.***

The important role played by party groups in the work of the legislature is deserving of support. It is not an uncommon practice for party groups in the legislature to receive assistance in the form of technical, administrative or logistical support. Still, if public funds are being used, expenditure must always be done pursuant to a clear and transparent formula that does not unduly advantage the majority party, consistent with Article 12 of the *Declaration of Democracy* of the Inter-Parliamentary Union, which requires that “[p]arty organization, activities, finances, funding and ethics must be properly regulated in an impartial manner in order to ensure the integrity of the democratic processes.”<sup>89</sup>

It is already the case that many legislatures provide resources and facilities to party groups. In some countries, the party groups are directly funded. These countries include, for example, Belgium, Denmark, France, Germany, Ireland, Japan, New Zealand, Slovenia and Spain. In most of these cases, funds are proportional to party representation in the legislature and are thus not unduly advantageous to the majority.<sup>90</sup> The rules governing their funding may be grounded in different instruments: in the rules of procedure, as in Spain; in the law on the financing of political parties, as in Japan; or by a collegiate body, as in Poland and Italy.<sup>91</sup> Exactly what is provided may also differ; groups in the Spanish Senate receive offices and meeting rooms, while groups in the Israeli Knesset receive a monthly sum for staff costs. While the specifics of assistance will be decided by each country according to need and means, the provision of resources and facilities for party groups shall be done pursuant to a clear and transparent formula that does not unduly advantage the majority party.

### **4.3 INTEREST CAUCUSES**

***4.3.1 Legislators shall have the right to form interest caucuses around issues of common concern.***

The civil and political rights enjoyed by each citizen, as stated in the *Universal Declaration of Human Rights* and detailed in the *International Covenant on Civil and Political Rights*, are equally fundamental and inalienable for representatives of the citizens. As described throughout § 4.2, each legislator shall have the right to join or not join any formal or informal grouping of legislators for the pursuit of common interests. Although this right is commonly restricted with respect to party groups in party list systems, as described in § 4.2.2, the restriction does not apply to interest caucuses, as they are less formal, are not connected to political parties and have less power in the legislature. Hence, it is a minimum standard that legislators have the right to form interest caucuses around issues of common concern. A Study Group of the Commonwealth Parliamentary Association has already declared their support for this minimum standard.<sup>92</sup> So it is, for example, that interested members of the United States Congress have come to form a Congressional Black Caucus and a Congressional Hispanic Caucus. Such examples can be found in legislatures around the world.

*The Reality of Democracy in Parliaments: Which Evaluation Criteria?  
Parliamentary Assembly in the French-Speaking World  
(Assemblée Parlementaire De La Francophonie)*

### **3. Organization of Parliaments**

#### **3.1 Regulations governing political parties, parliamentary groups and opposition groups:**

### **3.1.1 Political Parties:**

- 3.1.1.1 The freedom of association must exist for both parliamentarians and for citizens.
- 3.1.1.2 All forms of restrictions or prohibitions on a political party must be closely aligned with the Constitution and the “International Convention on Civil and Political Rights.”
- 3.1.1.3 When a parliamentarian leaves his party on his own volition, this should not result in the loss of his seat in Parliament.
- 3.1.1.4 The exclusion of members of Parliament as a punishment for disaffiliating from their party should be considered as prejudicial to the independence of the parliamentarians concerned. That being said, some anti-defection measures may be needed.
- 3.1.1.5 The public and private financing of political parties, if any, should be done in accordance with universal standards of transparency and must be submitted to a legitimate and independent court.

### **3.1.2 Parliamentary Groups**

- 3.1.2.1 Parliamentary groups shall enjoy a legal status or another form of recognition.
- 3.1.2.2 The criteria for the formation of a parliamentary group, as well as their rights and responsibilities in Parliament, must be clearly decreed in the internal rules and regulations of the assemblies.
- 3.1.2.3 Parliament must distribute adequate resources fairly among parliamentary groups.

## *“Benchmarks for Democratic Legislatures in Southern Africa” (SADC Parliamentary Forum)*

## **7. LEGISLATIVE FUNCTION**

The legislative function is perhaps the most basic function of any Parliament. In some Parliaments, this function is carried out with undue deference to and interference from the executive resulting in what are commonly referred to as “rubber stamp” Parliaments. In vibrant, democratic Parliaments, the legislative function includes much more than amendment or enactment of legislation proposed by the executive. Parliamentarians also propose legislation for debate. It is this feature, amongst others, which separates a proactive legislature from a reactive or rubber-stamp legislature. Related to law-making is the important work of approving the country’s annual budget. The ability to perform this function effectively is contingent upon many factors, which require commitment of resources to capacitate Parliament’s ability to review the budget with the necessary cooperation of the executive. The legislative function often includes the power to amend the constitution. The exercise of these sensitive functions must be done in a participatory, transparent and democratic context.

### ***General***

The approval of Parliament is required for the passage of all legislation, including the budget and any supplementary budgets.

Executive decrees shall not be used to bypass Parliament’s legislative function. They shall be used only when Parliament is not in session, subject to ratification by Parliament.

Parliament shall approve all grants, loans and guarantees, both domestic and international.

Parliaments shall approve all treaties, protocols and conventions.

In bicameral systems with a parliamentary system of government (as opposed to a presidential system), only a popularly elected house (national assembly) shall have the power to pass a vote of no confidence in the executive.

A chamber where a majority of Members are not directly elected or indirectly elected may not indefinitely deny or reject a money bill.

### ***Legislative Procedure***

In a bicameral Parliament, there shall be clearly defined roles for each chamber in the passage of legislation.

The main legislative function shall be exercised by the directly elected chamber. Where a second chamber exists, such house shall have a secondary role.

Parliament shall have the power to override an executive veto.

Opportunities shall be given for public input into the legislative process, including providing relevant information to the public in a timely manner.

Members shall have the right to initiate legislation and to offer amendments on proposed and existing legislation.

Costs for public consultation, legal drafting, printing and distribution of private members' bills and notices shall be incurred by Parliament. Best practice is for Parliament to have its own legal drafts person(s).

Parliament shall give Members and citizens adequate advance notice of all meetings including the agenda.

Members shall be afforded reasonable time to consult their constituents and any interested parties on proposed legislation, including constitutional amendments.

Private member's bills shall be governed by the same requirements as all other types of bills, including advance notice.

### ***Financial and Budgetary Powers***

The proposed national budget shall require the approval of Parliament. Parliament shall have the power to amend the budget before approving it.

Parliament shall have a reasonable period of time in which to review the proposed budget, which aligns needs with the resource base, equitably distributes resources and sets national priorities.

Parliament shall have a Budget Committee which reviews the draft annual budget (or estimates) and report to Parliament accordingly.

Parliaments shall have a Parliamentary Budget Office, established by law, with qualified staff to assist in budget analysis and monitoring budget implementation, and advise Parliament at least on a quarterly basis.

Only Parliament shall be empowered to determine and approve its own budget. Approved resources shall be made available to Parliament in quarterly or annual allotments.

### ***Delegation of Legislative Power***

Parliament may delegate some of its legislative powers to the executive branch. These powers shall however be temporary in nature, be clearly defined, and shall be confirmed by Parliament.

Parliament reserves the right to withdraw any delegated power.

### ***Constitutional Amendments***

In the absence of a national referendum, constitutional amendments shall require the approval of two thirds of the full membership of Parliament.

All proposed amendments to the constitution shall be published in the Government Gazette at least 30 days prior to plenary debate.

## ***“Recommended Benchmarks for Democratic Legislatures” (Commonwealth Parliamentary Association)***

### **4. POLITICAL PARTIES, PARTY GROUPS AND CROSS PARTY GROUPS**

#### **4.1 Political Parties**

4.1.1 The right of freedom of association shall exist for legislators, as for all people.

4.1.2 Any restrictions on the legality of political parties shall be narrowly drawn in law and shall be consistent with the International Covenant on Civil and Political Rights.

#### **4.2 Party Groups**

4.2.1 Criteria for the formation of parliamentary party groups, and their rights and responsibilities in the Legislature, shall be clearly stated in the rules.

4.2.2 The Legislature shall provide adequate resources and facilities for party groups pursuant to a clear and transparent formula that does not unduly advantage the majority party.<sup>93</sup>

#### **4.3 Cross Party Groups**

4.3.1 Legislators shall have the right to form interest caucuses around issues of common concern.

## APPENDIX 2: SAMPLE CAUCUS RULES

### I. MAIN PRINCIPLES OF THE CAUCUS

#### Confidentiality, Professionalism and Democratic Participation

We as \_\_\_\_\_ Members of Parliament affirm political reality that we were elected largely because we are Members of \_\_\_\_\_ . Therefore our presence in the Caucus provides the **right** of all Members to:

- Engage in free and open debate in the Caucus;
- Expect the democratic conclusion of the Caucus; and
- Enjoy professionalism, for each of us, with our party colleagues, individually and collectively.

Our presence in the Caucus requires **responsibility** from all Members to:

- Preserve confidentiality, which we observe in Caucus discussion and debate;
- Refrain from public criticism of the democratic decisions of the Caucus; and
- Extend **professionalism** with our party colleagues, individually and collectively.

**Confidentiality** requires each of us to:

- Keep secret the opinions and conduct of Members' discussion and debate;
- Keep secret any information and options presented to the Caucus by a Member of Government or other state institution; and
- Keep secret any decisions or proposals regarding the Budget discussed in the Caucus or reported by a Member of Government.

**Professionalism** requires each of us to:

- Consider the impact of our public comments on each of our colleagues and the Caucus;
- Accept the comments of colleagues regarding the impact of our statements on them or the Caucus;
- Extend comments to colleagues regarding the impact of their statements on us or the Caucus; and
- Conduct ourselves in the best interests of the Caucus.

**Democratic Participation** in the Caucus requires each of us to accept democratic decisions. Preferably, this would imply public support for those decisions, or at a minimum, no comment about them. If a Member feels he/she must publicly criticize a Caucus decision in the Parliament or to the media, then he/she should advise the Caucus Chair, the Party President, the appropriate Minister and/or other Members of Government from \_\_\_\_ (party name) and, if possible, the Caucus, in advance.

As honorable men and women, we affirm that we will abide by the responsibilities listed above, and that, if we cannot accept these requirements for Caucus confidentiality, professionalism and democratic participation, we will offer our resignation from the Caucus and request the Party President to arrange our replacement in the Caucus.

The Party President has the prerogative and authority to impose discipline and possible expulsion of any Member who has violated the requirements of Caucus confidentiality, professionalism and democratic participation. Ultimately the Party President has the authority to expel a Member from the \_\_\_\_\_ (party name).

Approved by Party Central Presidency - \_\_\_\_\_ 2003

Adopted by the Caucus - \_\_\_\_\_ 2003

\_\_\_\_\_  
Caucus Chair

\_\_\_\_\_  
Based on Article 48 of the Statute of \_\_\_\_\_ and Article 31 of the Rules of Procedure of the Parliament of \_\_\_\_\_, \_\_\_\_ Caucus in the Parliament of the \_\_\_\_\_ at the meeting held \_\_\_\_\_ in \_\_\_\_\_ on \_\_\_\_\_ 2003.

## THE RULES OF PROCEDURE

FOR THE CAUCUS OF \_\_\_\_\_

### II. GENERAL REGULATIONS

#### Article 1.

Rules of Procedure for the Caucus of \_\_\_\_ Party in the Parliament of the \_\_\_\_\_ (hereinafter: Rules of Procedure) shall regulate the organization, tasks, work, rights and obligations of members of \_\_\_\_ Caucus in the Parliament \_\_\_\_\_ (hereinafter: the Caucus). If a question is not covered in this Rules of Procedure, it shall be regulated by a decision of the Caucus.

#### Article 2.

The Caucus shall be established as a way of acting for the representatives of \_\_\_\_ in the Parliament of the \_\_\_\_\_.

The Caucus shall be comprised of the \_\_\_\_ Members of Parliament in the Parliament of \_\_\_\_\_ and other senior \_\_\_\_ (**party**) officials as described in Article 3, of these Rules of Procedure.

The Caucus shall act in accordance with the Rules of Procedure of the Parliament of the \_\_\_\_\_, with the Statute of the Party and instructions from the Party Central Presidency, for the work of the Party Members of Parliament, in the Parliament of the \_\_\_\_\_.

### III. MEMBERSHIP, LEADERSHIP AND ELECTION

#### Caucus Membership

#### Article 3.

All \_\_\_\_\_ (**party name**) members of parliament, (**party name**) \_\_\_\_\_ Government Ministers and Deputy Ministers and other (**party name**) officials determined by Caucus decision shall be members of the Caucus.

#### Organization of Caucus

#### Article 4.

The Elected \_\_\_\_ (**party name**) Leaders in the Parliament of the \_\_\_\_\_ (entity/state) are:

1. Chair of the Caucus
2. Deputy Chair of the Caucus
3. Members of the Collegium
4. President of the Party
5. All Committee Chairs
6. Rest of the \_\_\_\_\_ (**party name**) MPs

Appointed members are:

1. Secretary of the \_\_\_\_ Caucus
2. All party Government Ministers and Deputy Ministers
3. Outside experts

A member of the \_\_\_\_\_ Caucus has an obligation to support positions adopted by the Caucus to the best of his/her ability. The resources of the Caucus Leadership shall be utilized to support these positions.

Members of the Caucus shall be responsible for timely completion of received tasks.

## **Caucus Election Procedures**

### Article 5.

The Party Central Presidency is responsible for election of \_\_\_\_\_ the Caucus Chair. The Caucus Chair must be an elected representative whose mandate is confirmed by the responsible institution. The Party Central Presidency is responsible for giving recommendations for other leadership positions in the Parliament as well.

Recommendations from the Party Central Presidency for leadership positions in the Parliament (Deputy President of the Parliament, Committee Presidents, etc.) have to be approved by the Caucus.

## **IV. CAUCUS PROCEEDINGS**

### **Call and Notice**

#### Article 6.

The Chair of the Caucus can call for a meeting at any time to discuss issues pertaining to the Caucus. As a rule, the Caucus Chair shall call for a caucus meeting after a draft parliamentary agenda and other materials for the parliamentary session are received, but not later than five (5) days before the plenary session.

A meeting shall be called upon the written request of five members directed to the Caucus Chair. In the request, the group of MPs has to briefly explain the reasons for calling the meeting of the Caucus.

Whenever possible, a minimum of 24 hours' notice, along with an agenda and location, shall be given to Members of the Caucus.

### **Chairing the Meeting**

#### Article 7.

The Rules of Procedure of the Parliament of the \_\_\_\_\_, as they are applicable, shall govern the proceedings of the Caucus.

In the case of the Caucus Chair's absence, the Deputy Caucus Chair shall replace him/her.

### **Additions and Modifications**

#### Article 8.

The President of the Party and the Caucus Chair may present any agenda item to the Caucus for its immediate consideration. All agenda items brought before the Caucus shall be referred by the Caucus Chair to the appropriate committee of the Caucus for consideration. A piece of legislation, amendment or other relevant legislative document introduced by a member of the Caucus shall be considered by the appropriate Caucus Committee as soon as practicable and reported back to the full Caucus.

### **Quorum**

#### Article 9.

A majority of the elected Members of the Caucus shall constitute a quorum.

### **Course of the Meeting**

#### Article 10.

The Caucus Chair shall check whether the majority of the Caucus Members are present at the meeting.

If a majority of the Caucus Members are present, the Chair will introduce the agenda for a meeting and open the floor for additional suggestions for supplementing the proposed agenda.

The caucus shall decide on every proposal for supplementing the agenda of the meeting and vote for the proposed agenda as a whole.

#### Article 11.

After the overall agenda is determined and approved, representatives from individual Caucus committees, that have reviewed the issue that is subject to debate, will present their reports to the whole Caucus.

The debate for one agenda item can last as long as there are applied Members of the Caucus in the debate.

The Caucus Chair decides that debate is over when he/she determines that there are no more registered Members of the Caucus in the debate.

Debate over each agenda item will end with the breaching and passing of official conclusions.

After covering all agenda items, the Caucus Chair will conclude the meeting.

### **Majority Required for Passing Caucus Conclusions-Decisions**

#### Article 12.

The Caucus shall adopt conclusions and/or decisions with majority votes of the total number of Members of the Caucus. (alternative: majority of the present Members of the Caucus)

### **Speeches**

#### Article 13.

At the Caucus session nobody can speak before asking and receiving permission from the Caucus Chair. The Caucus member personally asks for permission to speak after the debate commences and can apply to speak until the end of the debate.

### **Voting**

#### Article 14.

Voting will be performed by the raising of hands. Members of the Caucus can vote:

- In favor;
- Against; and
- Abstain.

### **Caucus Meeting Minutes**

#### Article 15.

The Secretary of the Caucus, or another person appointed by Caucus Chair, shall keep the minutes of the Caucus proceedings. The minutes shall be signed by the Caucus Secretary and the Caucus Chair.

The minutes shall be open for inspection at the request of any Member of the Caucus.

### **Admittance**

#### Article 16.

In principle, Caucus meetings are closed to the public. However, the Caucus Chair may decide to have Caucus meetings open to the public.

The Caucus Chair may designate individuals or relevant interest groups to attend Caucus meetings, which are generally closed to the public. Those individuals shall be excused at the discretion of the Caucus Chair.

## **V. PARLIAMENTARY COMMITTEES AND DELEGATION ASSIGNMENTS**

### **Parliamentary Committees – Election Procedures**

#### Article 17.

After the Caucus approves them, the recommendations of the Party Central Presidency will become official candidates for election to serve as President and Deputy Presidents of the parliamentary committees and heads of permanent delegations.

The official proposal from the previous paragraph will be supplemented with the names of \_\_\_\_ Caucus Members nominated as \_\_\_\_ Caucus members of committees and permanent delegations.

The \_\_\_\_ Caucus conducts nominations for membership in committees and permanent delegations.

The \_\_\_\_ Caucus is responsible for making final proposals for candidates for election to any parliamentary body assigned by the parliament.

The final proposals from previous paragraphs will be sent to the Parliamentary Committee on Election and Appointment Issues.

## **VI. ORGANIZATION OF CAUCUS COMMITTEES**

### **Principles of Caucus Committee Work**

#### Article 18.

Caucus Committees shall provide a forum for discussion and recommendations, initiated by individual Members of the Caucus and Government.

Caucus Committees shall be advisory sounding boards for subjects raised by individual Members of the Caucus, Government Ministers and Deputy Ministers. Ministers and Deputy Ministers are urged to include Caucus Committee(s) that they belong to in discussions of major policy changes being considered in the Government, politically sensitive budget proposals, long-term planning documents and political problem areas.

#### Article 19.

Except for items of an emergency nature, Ministers, Deputy Ministers and Members of the Caucus shall bring items of business through the appropriate Caucus Committee. That is, items of business shall first be dealt with by the Caucus Committee and then presented to the full Caucus meeting by the Caucus Committee President, with recommendations.

Caucus Committees shall be a forum for inquiries from Elected Members of the Caucus to Ministers and Deputy Ministers. Elected Members of the Caucus shall request that the Caucus Committee Presidents put inquiries on the agenda in advance.

Caucus Committees shall receive presentations from groups and organizations as referred by the Caucus Chair. The whole Caucus Committee shall meet with groups and organizations, if necessary, and these meetings shall be accessible to all Members of the Caucus. The Caucus Committee President will be responsible for ensuring appropriate follow-up to meetings with groups and organizations.

#### Article 20.

All Caucus Members may attend any Caucus Committee Meeting with full rights to voice their opinion, but no voting rights in that Committee. The President of the Caucus Committee reports on all decisions to the full Caucus. In addition Caucus Committee Presidents will be responsible for:

- a. Formulating agendas in consultation with the Caucus Chair;
  - b. Ensuring that agendas are circulated to all Caucus Members, Ministers, Deputy Ministers and other party officials.
- On matters of major policy or budgetary significance, the Caucus Committee President, along with the Caucus Chair and the responsible Minister or Deputy Minister, will dedicate special Caucus Committee meetings to allow for full discussions by as many Members of the Caucus as possible.

Article 21.

A quorum for a vote shall require that 50% of the total number of Caucus Committee Members have been present at the committee meeting at which the vote is called on an item on the planned meeting agenda.

A quorum shall not be required for a Caucus Committee meeting to be held.

**Caucus Committee Legislative Process**

Article 22.

When legislation is initiated within the Government, the appropriate Minister or Deputy Minister should take it to the responsible Caucus Committee(s) as soon as possible. By involving the Caucus Committee at this early stage of the legislative process, meaningful input can be facilitated during the legislation development stage, and can eliminate the need for last minute changes once the bill is in final form.

Once it is through the Caucus Committee(s), legislation will then be presented, for final review, to the entire Caucus by the Caucus Committee Chair(s), with recommendations from the Caucus Committee(s).

Article 23.

When an individual or group of Members of the Caucus initiates legislation within the Caucus, it should be presented by proponent(s) to the appropriate Caucus Committee and to the responsible Minister or Deputy Minister. Further steps in this case are the same as defined in the previous Article, Paragraph 2.

Article 24.

Assigning legislation to specific Caucus Committees is the responsibility of the Caucus Chair (alternative Deputy Caucus Chair). Caucus Committees will need to meet regularly between sessions, to allow ample opportunity for proposed changes to be discussed early in the process.

**VII. COMPOSITION, DUTIES AND LIST OF CAUCUS COMMITTEES**

Article 25.

\_\_\_\_\_ (party name) Caucus for the parliamentary mandate \_\_\_\_\_ decided to establish the following Caucus Committees:

1. Caucus Committee on Political and Legal Affairs
2. Caucus Committee on Development and Economic Affairs
3. Caucus Committee on Defense and Foreign Policy
4. Caucus Committee on Health and Social Affairs

**Caucus Committee on Political and Legal Affairs**

Article 26.

The Caucus Committee on Political and Legal Affairs shall be composed of at least \_\_\_\_\_ Elected Members of the Caucus and Party Senior Government Members from the appropriate Government departments.

The Committee on Political and Legal Affairs shall oversee the work of and discuss legislation assigned to the following standing parliamentary committees:

1. Committee on Constitutional Affairs
2. Committee on Legislative and Legal Affairs
3. Committee on the Political System and Relations between Communities
4. Permanent Polling Committee of Protection of Freedoms and Rights of Citizens
5. Committee on Election and Appointment Issues
6. Committee on Issues of the Rules of Procedure and Mandatory-Immunity Issues

The Committee on Political and Legal Affairs shall meet at the request of the Committee President to discuss issues within its scope of work with Caucus Members and other party officials that the President of the Committee invites to the meetings.

The Committee on Political and Legal Affairs shall report its suggestions to the whole Caucus.

**NOTE:**

**Rules from article 26, paragraph 3 and 4 apply equally to all Caucus Committees.**

### **VIII. DISCIPLINARY PROCEDURES**

#### **Violation of the Order of the Caucus Meeting**

Article 27.

The Caucus Chair shall be responsible for maintaining order at the Caucus meeting. The Caucus Chair can warn a Caucus Member who is in violation of the order of any Caucus meeting. If the Caucus Member in violation continues to violate the order of the meeting, then the Caucus Chair has the right to interrupt the Member. The Caucus Chair has the right to discipline said Caucus Member if he/she has violated the provisions of the Rules of Procedure with his/her conduct.

### **IX. FINAL REGULATION**

Article 28.

These Rules of Procedure shall come into force on the day of their adoption at the meeting of the Caucus, after the Party Central Presidency has given his/her approval for its application.

No:

\_\_\_\_\_

Approved by:

Caucus

Party Central Presidency

Caucus Chair

Send to:

- Caucus Members
- Party Senior Officials
- Party Central Presidency

# ENDNOTES

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1. For the sake of simplicity, the paper primarily uses the term Member of Parliament or MP to refer to elected representatives and legislators. Depending on the country and the legislative system, these may also be called deputies or members of congress. Similarly, the term parliament is used to describe national representative institutions including congresses and assemblies.
2. In this paper, a parliamentary group, or caucus – also known as a party club, bloc, or bench in some countries – refers to a group of (MPs) of a legislature or assembly who belong to the same political party. While some legislatures provide for technical groups or issue-based coalitions, party-based groupings are the primary focus of this paper.
3. Norm Kelly, “Pacific Approaches to Parties and Parliaments” (paper presented at the CDI-IPD ‘Electoral Systems, Parties and Parliaments: Making the Connections’ workshop, Bali, November 11-12 2010), 2.
4. Australian Labor Party, *National Constitution of the ALP*, as amended at the 43rd National Conference, January 31, 2004.
5. For an explanation of the consociational and centripetalist models, see Benjamin Reilly, *Political Reform and the Demise of Consociationalism in Southeast Asia*, [http://www.cdi.anu.edu.au/further\\_activities/2008-09/D\\_P/2009\\_01\\_FA\\_ASIA\\_DemGov\\_SEA\\_conf\\_D/benjamin\\_reilly.pdf](http://www.cdi.anu.edu.au/further_activities/2008-09/D_P/2009_01_FA_ASIA_DemGov_SEA_conf_D/benjamin_reilly.pdf).
6. Reilly, *Democracy in Divided Societies: Electoral Engineering for Conflict Management* (Cambridge: Cambridge University Press, 2001).
7. Allen Hicken, “Political engineering and party regulation in Southeast Asia,” in *Political Parties in Conflict-Prone Societies: Regulation, Engineering and Democratic Development*, ed. Benjamin Reilly et al. (Tokyo: United Nations University Press, 2008), 69-94.
8. National Assembly of the Federal Republic of Nigeria, *Constitution*, art. 223, as adopted 1999.
9. M. Bogaards, “Comparative strategies of political party regulation,” in *Political Parties in Conflict-Prone Societies: Regulation, Engineering and Democratic Development*, ed. Benjamin Reilly et al. (Tokyo: United Nations University Press, 2008), 119-144.
10. Ibid.
11. Benjamin Reilly, *Democracy in Divided Societies*; Reilly, Benjamin, Per Nordlund and Edward Newman, “Political Parties in Conflict-Prone Societies: Encouraging Inclusive Politics and Democratic Development.” *Policy Brief*, No. 2 (Tokyo: United Nations University, 2006).
12. Countries surveyed were Bangladesh, Bosnia and Herzegovina, Bulgaria, Cambodia, Colombia, Hungary, Ireland, Iraq, Kosovo, Mali, Montenegro, Morocco, Nigeria, Pakistan, Peru, Serbia, South Africa, United Kingdom and Yemen. Additional interviews and data were obtained from Australia, Indonesia, New Zealand and the United States of America.
13. For a detailed description of different electoral systems and their impact on political parties, see: International IDEA, *Electoral System Design: The New International IDEA Handbook* (Stockholm, International IDEA, 2005).
14. In a Mixed Member Proportional (MMP) system, voter preference is used to elect representatives through two different, mixed systems—one List PR system and (usually) one plurality/majority system. The List PR system is intended to compensate for the disproportionality in the results from the plurality/majority system.
15. Under a Single Transferable Vote (STV) system, voters in multi-member electoral districts rank candidates in order of preference. Candidates who receive a specified quota of first-preference votes are elected and in successive vote counts, votes are redistributed according to voters’ next preference. Votes are redistributed from the least successful candidates, who are eliminated, and votes “surplus” to the quota of already elected candidates are also redistributed until all the available seats have been filled.
16. Examples include: British Columbia, Canada; Bern and Uri in Switzerland; and Arizona, California and Wisconsin in the United States.
17. Constituent outreach, while a critical element of the legislators’ representational function is not the focus of this paper. For additional information on the topic, see: National Democratic Institute, *Constituent Relations: A Guide to Best Practices* (Washington: National Democratic Institute, 2008).
18. Maurice Duverger, *Political Parties: Their Organization and Activity in the Modern State* (New York: Wiley, 1951).
19. For instance, Rae’s 1967 study of 20 western democracies referenced in: Martin Harrop and William Lockley Miller, *Elections and Voters: A Comparative Introduction* (Basingstoke: Macmillan Education, 1987), 69.
20. Stein Rokkan, *Citizens, Elections, Parties: Approaches to the Comparative Study of the Processes of Development* (New York: McKay, 1970); Kenneth Benoit, “Models of electoral system change,” *Electoral Studies*, 23(3) (UK: Elsevier, 2004), 363–389; Josep M.

- Colomer, "It's Parties That Choose Electoral Systems (or, Duverger's Laws Upside Down)," *Political Studies*, 53(1) (UK: Political Studies Association, 2005), 1–21.
21. Rokkan, *Citizens, Elections, Parties*.
  22. 622 of 650 seats: Conservatives - 307, Labour - 258, Liberal Democrats - 57, as a result of the 2010 elections.
  23. Pak Kwan Chau, *The Relationship between the Government and the Opposition or Minority Parties in Selected Places* (Hong Kong: Legislative Council Secretariat, 2002).
  24. Parliament of Morocco, *Parliamentary Rules & Procedures*, as passed 2004.
  25. Parliament of Montenegro, *Rules of Procedure of the Parliament of Montenegro*, art.32, as amended 2010.
  26. International IDEA, "International IDEA Study on Peru," accessed March 2010, [http://archive.idea.int/ideas\\_work/23b\\_country\\_peru.htm](http://archive.idea.int/ideas_work/23b_country_peru.htm).
  27. House of the Nation, *The Standing orders of the Parliament of the Republic of Hungary*, art. 51, as of 1998.
  28. Michael Gallagher, "Parliamentary Parties and Party Whips," in MacCarthaigh, M. and M. Manning (Ed.), *The Houses of the Oireachtas: Parliament in Ireland* (Dublin: Institute of Public Administration, 2010), 135.
  29. Jonathan Malloy, "High Discipline, Low Cohesion? The Uncertain Patterns of Canadian Parliamentary Party Groups," *Journal of Legislative Studies*, 9(4) (London: Taylor & Francis Group, 2003), 116-129.
  30. Congress of Colombia, *Ley 974 de 2005: Legislative Caucus Law*, as adopted 2005.; Congress of Colombia, *Ley 5 de 1992*, as adopted June 18, 1992.; Constitución Política de Colombia, as published in the Constitutional Gazette No. 116, July 20, 1991.; Senado de la República de Colombia, "Sentencia C-036/07," as passed 2007, accessed August 16, 2011, [http://www.secretariasenado.gov.co/senado/basedoc/cc\\_sc\\_nf/2007/c-036\\_2007.html#1](http://www.secretariasenado.gov.co/senado/basedoc/cc_sc_nf/2007/c-036_2007.html#1).
  31. Information on the United Kingdom's All-Party Parliamentary Groups, including the membership of all groups, can be found at: House of Commons. "Register of All Party Groups," last modified April 28, 2011, <http://www.publications.parliament.uk/pa/cm/csmallparty/memi01.htm>.
  32. For the purposes of this paper, defection is defined as the decision of an MP to switch allegiance from the party on whose ticket s/he was elected in order to become an independent or to join another party. This switch in allegiance is sometimes referred to as floor-crossing or party-hopping. While defection and floor-crossing are sometimes used to describe an MP's decision to vote against his/her party, here it refers to the more permanent decision to resign from a party.
  33. New Zealand Parliament, Electoral (Integrity) Amendment Bill, as passed December 18, 2001 as an amendment to the 1993 Electoral Act.
  34. Sarah Miskin, *Politician Overboard: Jumping the Party Ship* (Australia: Department of the Parliamentary Library, 2003).
  35. National Parliament of Papua New Guinea, *Organic Law on Integrity of Political Parties & Candidates* (OLIPPAC), as certified October 15, 2003.
  36. Somare was also Prime Minister from independence in 1975 to 1980, and from 1982 to 1985. For further information on this period in Papua New Guinea politics, see: Bill Standish, "The dynamics of Papua New Guinea's democracy: an essay," *Pacific Economic Bulletin*, 22(1) (Australia: Australian National University, 2007), 135-157; Benjamin Reilly, "Political reform in Papua New Guinea: testing the evidence," *Pacific Economic Bulletin*, 21(1) (Australia: Australian National University, 2006), 187-194; Benjamin Reilly, "Political Engineering and Party Politics in Conflict-Prone Societies," *Democratization*, 13(5) \*New York: Rutledge, 2006), 811-827.; Ron May, "Political Parties in Papua New Guinea," in *Political Parties in the Pacific Islands*, ed. Roland Rich et al. (Canberra: Pandanus, 2006), 83-102.; Alphonse Gelu, "The Failure of the Organic Law on the Integrity of Political Parties and Candidates (OLIPPAC)," *Pacific Economic Bulletin*, 20(1) (Australia: Australian National University, 2006), 83-97.
  37. Supreme Court of Justice, Papua New Guinea, *SC1057: Special Reference Pursuant to Constitution, Section 19, in the Matter of the Organic Law on the Integrity of Political Parties and Candidates*, as passed 7 July, 2010.
  38. For example, "Numbers game is on," *The National*, 12 July 2010. Available at: <http://www.thenational.com.pg/>. Accessed August 2010.; Mohammad Bashir, "Lobbying for PM's job intensifies," *Post-Courier*, July 12, 2010.
  39. Eric McLaughlin, "Electoral regimes and party-switching: Floor-crossing in South Africa's local legislatures," *Party Politics* (online edition), accessed August 16, 2011, <http://ppq.sagepub.com/content/early/2011/03/19/1354068810389610>.
  40. Parliament of the Republic of South Africa, *Constitution of the Republic of South Africa Amendment Act*, as passed 2003.
  41. Senate of Pakistan, *Amendment XVIII of the Constitution of Pakistan*, as passed April 2010.
  42. Sierra Leone, *The Constitution of Sierra Leone*, as adopted September, 1991.
  43. *Ibid.*

44. Bangladesh Parliament, *Constitution of Bangladesh*, art. 70, as amended 1991.
45. Cristina Leston-Bandeir, "Dissent in a Party-Based Parliament: The Portuguese Case," *Party Politics*, 15(6) (London: Sage Publications, 2009), 695-713.
46. See Appendix 1 for an extract.
47. Australian Liberal Party, *Liberal Party of Australia Federal Constitution*, as amended, 2009.
48. Swedish Social Democrats, *The Constitution of the Swedish Social Democratic Party*, art. 10, as amended by the Party Congress of 2001.
49. New Patriotic Party, *Constitution of the New Patriotic Party*, as amended August 29, 1998.
50. Democratic Alliance, *Democratic Alliance Federal Constitution*, as amended July, 2010.
51. Democratic Alliance, *Code for Public Representatives*, as passed by the Federal Council on April 12, 2002.
52. This section of the paper focuses on the respective roles and responsibilities of parliamentary groups and party structures outside parliament in policy development. For a more comprehensive overview of policy development processes, see: National Democratic Institute, *Policy Development Manual*. (Montenegro: National Democratic Institute, 2008).
53. Conservative Party of Canada, *The Constitution of the Conservative Party of Canada*, as amended March 19, 2005.
54. Australian Liberal Party, *Liberal Party of Australia Federal Constitution*, art. 56 – 57.
55. Congress of Colombia, *Ley 130 de 1994: Political Party Law*, as adopted 1994.
56. Democratic Alliance, *Democratic Alliance Federal Constitution*, 9.5.2
57. *Ibid.*, 9.2.3.
58. National Democratic Institute, *Workshop on the Role of the Group Parlementaire*. (Morocco: National Democratic Institute, 1998).
59. Donald D. Searing, *Westminster World: Understanding Political Roles* (Cambridge: Harvard University Press, 1994), 245.
60. African National Congress (South Africa), "ANC Caucus Support Services," accessed March 24, 2010, [http://www.anc.org.za/caucus/index.php?include=about/support\\_services.html](http://www.anc.org.za/caucus/index.php?include=about/support_services.html).
61. Searing, *Westminster World*, 256.
62. National Democratic Institute, *Strengthening Nepal's Multiparty Democracy: Party Discipline and Anti-Defections Measures* (Nepal: National Democratic Institute, 2008).
63. J. Mykkänen, "Inside Rationality: The Division of Labour in a Parliamentary Party Group," *Journal of Legislative Studies*, 7(3) (London: Frank Cass, 2001), 92-121.
64. National Democratic Institute, *Workshop on the Role of the Group Parlementaire*.
65. Mark Stuart, "Managing the Poor Bloody Infantry: The Parliamentary Labour Party under John Smith, 1992-94," *Parliamentary Affairs*, 59(3) (England: Oxford University Press, 2006).
66. Sam Depauw, "Government Party Discipline in Parliamentary Democracies: The Cases of Belgium, France and the United Kingdom in the 1990s," *The Journal of Legislative Studies*, 9(4) (London: Taylor & Francis Group, 2003), 130-146.
67. Congress of Colombia, *Ley 130 de 1994: Political Party Law*, as adopted 1994.
68. Kenneth Janda, *Laws Against Party Switching, Defecting, or Floor-Crossing in National Parliaments* (paper presented at the World Congress of the International Political Science Association, Santiago, Chile, July 12-16, 2009).
69. Subramanian quoted in Janda, *Laws Against Party Switching, Defecting, or Floor-Crossing in National Parliaments*.
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71. Gallagher, *Parliamentary Parties and Party Whips*, 135.
72. Swedish Social Democrats, *The Constitution of the Swedish Social Democratic Party*, art. 10.
73. Australian Labor Party, *National Constitution of the ALP*, 14.
74. Robert Menendez and James E. Clyburn, *Rules of the Democratic Caucus (Washington, D.C.)*, as amended April 9, 2003, 2011.
75. *Ibid.*, 6.
76. Gallagher, *Parliamentary Parties and Party Whips*, 135.

77. Leston-Bandeir, *Dissent in a Party-Based Parliament*, 695-713.
78. National Democratic Institute, *Guía Práctica Sobre el Régimen de Bancadas* (Colombia: National Democratic Institute, 2008).
79. Malova, "Parliamentary party groups in Slovakia."
80. Fine Gael, *Constitution*, art. 51, as amended 1992.
81. Democratic Alliance, *Democratic Alliance Federal Constitution*.
82. "Criteria for the formation of parliamentary party groups, and their rights and responsibilities in the legislature, shall be clearly stated in the Rules." Commonwealth Parliamentary Association, "Recommended Benchmarks for Democratic Legislatures," accessed August 5, 2011, <http://www.agora-parl.org/node/57>, 4.2.1.
83. "The Status of Parliamentary Groups," *Constitutional and Parliamentary Information*, No. 172, 1996, 199-200.
84. Conference of presidents typically comprises the presiding officer (in his/her capacity as directing authority of the legislature) and the leaders of the party groups. The term "conference of presidents" is common, as in Cameroon, France, Italy and Sweden. In other countries it can be known as the council of elders (Germany), or conference of spokespersons (Spain).
85. United Nations, *Universal Declaration of Human Rights (UDHR)*, art. 20.
86. *International Covenant on Civil and Political Rights*, as adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI), December 16, 1966, art. 22.
87. United Nations, *UDHR*, art. 20(2).
88. "The Status of Parliamentary Groups," 240.
89. Inter Parliamentary Union, *Universal Declaration on Democracy*, as adopted September 16, 1997, art. 12.
90. "The Status of Parliamentary Groups," 217-219.
91. *Ibid.*, 219-222.
92. "Legislators shall have the right to form interest caucuses around issues of common concern." Commonwealth Parliamentary Association, *Recommended Benchmarks for Democratic Legislatures*, 4.3.1.
93. The Study Group considered it best practice for legislatures to provide party groups with funding allocations and allow each party group to make their own decisions on the types of facilities they require. The Study Group recognized the special circumstances of small and/or under-resourced jurisdictions.

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