

# **GOVERNMENT AND OPPOSITION – ROLES, RIGHTS AND RESPONSIBILITIES**

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## **An Overview Paper**

Commonwealth Parliamentary Association

**“It doesn’t matter who you vote for  
– government always gets in!”**

Thus is defined the anarchist’s reasoning for not participating in elections. Paradoxically, however, it is also a reason why majority and minority parties in a parliament need to find ways of working constructively together without sacrificing their core principles. Today’s government may be tomorrow’s opposition and memories of poor treatment, perceived or real, may well affect how the new governing party treats the new opposition. If for no other reason than one of pragmatism, political parties represented in parliament need to see themselves as partners in the development of the democratic process.

The Harare Declaration, which affirms democracy as a fundamental Commonwealth value, was a turning point for the Commonwealth as no other Commonwealth declaration has been for over a generation. That said, it is clear that no one can afford to be complacent about the state of democracy in the Commonwealth. As the UNDP Human Development Report for 2002 points out, many countries that have taken the first steps towards democracy have failed to consolidate and deepen that process. Some of them, unfortunately, are Commonwealth countries.

The Commonwealth (Latimer House) Principles on the Accountability of and the Relationship between the Three Branches of Government have also taken dramatic steps to address the interrelated roles of the branches of government: Parliament, the Executive and the Judiciary. This text expands on the issues addressed in the Harare Declaration through identifying the need for independence and accountability in all three governmental sections. In addition, the Principles identify the importance of restraint in power usage in each political sphere as well as the need to embrace a balance of power between each branch. These concepts are fundamental to functioning democracy, inside and outside the Commonwealth.

In its submission to Commonwealth Heads of Government in Abuja, Nigeria in December 2003, the Commonwealth Parliamentary Association (CPA) said the challenges facing democracies are constantly changing and public expectations – and public impatience for results – are growing relentlessly. The CPA’s submission also stressed that parliamentary government must not only be representative, responsible and accountable; but it must also be successful to give substance to the Commonwealth’s democratic principles. As the report of the joint CPA-Commonwealth Secretariat workshop on the *Role of the Opposition* (London, 1998) states, “this requires a shared commitment to the essentials of parliamentary democracy and to making parliament work properly”.<sup>1</sup>

In many countries, government and opposition parties completely fail to reach an understanding on what the Commonwealth Secretary General has called the “collaborative context” for their work.<sup>ii</sup> There is no agreement on roles, rights and responsibilities, on limits and consensus, on what the idea of a “constructive and responsible” opposition means in practice, and on when and how government and opposition should work together to promote national consensus. In many cases, there is no real dialogue at all. In short, very often there is no sense in which governing and opposition parties see themselves as partners in the development of the democratic process.

The reality is that the interplay between governing and opposition parties is an essential part of politics – parliamentary opposition is crucial to a healthy democracy. As the then CPA Secretary General said at the opening of the 1998 workshop, “governing and opposition parties should see themselves as partners in the development of the democratic process”.<sup>iii</sup> It is constructive opposition that gives voice to those in society who represent a perspective other than the status quo, and the opposition must articulate arguments as to how and why that status quo should change.

A frequently made mistake is to equate democracy only with the holding of regular elections. While free and fair elections are certainly a condition for the existence of democracy, of themselves they will not guarantee that the institutions function properly. Democracy also requires a parliament that represents the people, not one controlled by the president, prime minister or the military. A parliament representing all parts of society is essential. It must be endowed with institutional powers and practical means to express the will of the people by legislating and overseeing government action.<sup>iv</sup>

A key aspect of full societal representation in Parliament is the inclusion of women in politics. This is an area which needs much improvement. While the overall number of women Parliamentarians in the Caribbean Region has not met the Commonwealth target of 30 per cent, widely recognised to be the minimum figure necessary for a critical mass of women in Parliament, the figure for the Caribbean countries (15.6 per cent) is higher than the current Commonwealth average (14.1 per cent) and the global average of (13.8 per cent). Grenada is close to the target with (27 per cent) and St. Vincent & Grenadines also has over 20 per cent female representation.

In a thriving democracy, a political culture exists which sees the civic good as a valuable end in itself and not merely as something that stands in the way of achieving political objectives. In failing or nascent democracies, too often parties believe that they alone are the purveyors of truth. Yet, a comparative study quickly shows that if a governing party restrains itself in the exercise of its power, then opposition parties are more likely to be cooperative.

Democracies are better than authoritarian regimes at managing conflicts because the political space and the institutions that provide for open contests

give opponents hope that change is possible without destroying the system.<sup>v</sup> Some politicians argue that democracy leads to political instability but empirical studies show that the reverse is true. Without opposition parties, uncensored public criticism and the threat of being thrown out of office, rulers can act with impunity.

It is, of course, the right of a democratically elected government to govern but it is also the duty of that government to do so in a manner that contributes to the consolidation of democracy. Sustainable democracy can only grow from within a society and can neither be imposed or prescribed from outside.

Governing parties need to recognize that an effective and responsible opposition is essential for the success of parliamentary democracy. The government must, therefore, provide the necessary resources, parliamentary time, information, fair access to the media and opportunities for scrutiny if the opposition is to be able to discharge its duties. Sadly, such conditions do not always exist in Commonwealth Parliaments. In a large number of countries, not only those that have only in recent years introduced a multi-party system, this is a pressing need to give greater recognition to the role of the Opposition, thereby giving them the opportunity to function properly.<sup>vi</sup>

Too often there is a “winner takes all” approach on the part of governing parties. One expression of that is the tendency to regard victory at the polls as an invitation to capture all democratic and state structures and to treat the institutions of state as no more than extensions of the ruling party. There may also be a determination to completely sideline the opposition rather than to work with it. It is still difficult for many in the Commonwealth to recognise that the opposition has a legitimate role and that it must be given a formal place in parliamentary and other political arrangements.<sup>vii</sup>

In some circumstances, Members may find it difficult to be critical of the government while serving as members of the ruling party as there are potential conflicts between their interests as parliamentarians and their loyalty to the party hierarchy and the executive branch. Cooperation between governing and opposition Members, however, can be an essential element of constructive and efficient governance.

If, as is argued, minority parties play a vital role in the process of democratic governance, what is that role? It is not only to oppose, but to offer positive counter proposals and initiatives of its own. It is also to make the majority party aware of the minority views in a critical but constructive way.<sup>viii</sup> There is a need to challenge government policies vigorously and to provide another perspective on policy issues even if there is no foreseeable hope that their

party will attain power. Opposition parties need to present themselves as a credible and responsible alternative government. In doing so, they must acknowledge their responsibility not just to reflect, but to lead, public opinion.

Despite their important role, opposition parties must remember that the voters, having elected another party to govern, sent them into parliament as a minority. Parties that persist in simply obstructing the processes of government risk being marginalized, not just by the majority party, but by the electorate in the longer term. An essential requirement for a stable democracy is that voters must be able to believe that their elected representatives will be prepared to put the interests of the country above narrow party concerns. Parliament does not lend itself to quick cures, but it is able through careful and considered debate, to bring about long-lasting ones. For this to be achieved, however, a mature and constructive relationship must exist between government and opposition.<sup>ix</sup>

The opposition can often take on the role of a spoiler, exploiting all opportunities to damage the governing party and, in the process, very often failing to distinguish between harm done to its opponents and harm done to the country. In some countries, opposition parties often resort to the use of the crude, and damaging, weapons of the political strike, endless no-confidence motions and boycotts. As the Commonwealth Secretary General has made clear, that is a denial of parliamentary politics.<sup>x</sup> In many cases, this negative approach arises out of too singular a focus on the promotion of the opposition as an alternative government at the expense of its responsibilities in terms of government oversight and the representation of minority views.

There is, undoubtedly, an equal responsibility on government and opposition parties to promote participatory democracy. It is also essential that there is a shared commitment to the essentials of parliamentary democracy and to making parliament work properly. There also needs to be an agreement on "how the game is played" and the development of informal channels of communication between government and opposition so that both can keep in touch, however heated the political debate.

One of the key challenges in ensuring that parliamentary procedures promote, rather than prevent, constructive engagement is to avoid personalizing the debate or drawing such sharp party lines that discussion and compromise become impossible. If, as Von Clausewitz said, war is the extension of politics by other means, the aim of parliamentarians should be to strive for ways that allow genuine, and strongly held, disagreements to be expressed within the democratic process.

Parliaments act as watchdogs and, even where they lack the legal power to prevent certain executive measures from taking effect, or where there is an

overwhelming government majority, they can still be the source of initiatives, raise issues for debate and call the government to account for its policies. Members can exercise a degree of independence by calling ministers to give evidence before committees, carrying out comprehensive budget reviews, and holding committee inquiries.

In a democratic order, the ruling party derives its mandate to rule from its success at the polls. For a defined term, it has exclusive responsibility for governing the country but within limits, some defined and enshrined within the provisions of the constitution, others subsisting by convention. But electoral majorities come and go. No ruling party can therefore plausibly claim to be the sole conscience and the sole embodiment of the will of the people - let alone their only prophet.

Neither is the cause of democracy served by a ruling party claiming to be co-terminous with the state. If these and other excesses are to be avoided, as they have to be avoided if a credible democracy is to emerge, the constraints provided by the constitution will have to be supplemented by self-restraint on the part of the political parties. Majority parties must be allowed to rule but they must not rule in such a way as to appear to be gathering to themselves all power and influence within the state, thereby denying the rights of the opposition parties.

The duty of the opposition is to oppose. Its very existence adds to the legitimacy of the government and therefore to the stability of the country. How it discharges its function, especially in an infant democracy, is therefore very important. It has been said that while the minority must be allowed to have its say, the majority must always be allowed to have its way. This is true in a sense; but in terms of fostering confidence and mutual trust, in terms of rallying all those involved in politics to the fundamental institutions and interests of the state, it is not a particularly helpful maxim.<sup>xi</sup>

No opposition will confer legitimacy on the government of the day and the other institutions of state, or make for greater national stability, if it is not an opposition that is loyal to the interests of the state and of the nation. And it cannot be a loyal opposition if its manner of opposing is utterly unprincipled or if it seeks to couple constitutionalism with a readiness to exploit unconstitutional means to gain power. If, in their respective roles, governing parties and opposition parties are to contribute to the greater good of their nation, they need to cultivate a relationship based on mutual confidence and trust. That confidence will enable them to agree on what aspects of the national interest transcend party divides and which can therefore be legitimately withdrawn from inter-party strife and brawls.

Other gains flow from mutual confidence between political parties in a state. A proper appreciation of their respective roles within the framework of constructive co-operation enables the national parliament to develop a collective personality of its own. Inevitably, the turn of the electoral wheel brings about changes in the membership of the body, but it is vital that it retains its nature and spirit and its capacity to inspire national loyalty.

Political parties form the cornerstone of a democratic society and serve a function unlike any other institution in a democracy. Parties should aggregate and represent social interests and provide a structure for political participation. They train political leaders who will assume a role in governing society and contest, and win, elections to seek a measure of control of government institutions. In new and transitional democracies, many parties have little experience in organising their activities in parliament, which greatly affect the public's perceptions of a party and thus its effectiveness.

In non-election periods, it is common for the parliamentary parties to become the public face of their political parties. Whether in government or in opposition, well-organised parliamentary groupings play a key role in strengthening the representative capacity of a parliament.

In democracies worldwide, political parties are often either too weak, too personalistic, too constrained by oppressive governments, or too corrupt and out of touch to earn the respect and support of the public.<sup>xii</sup> When countries experience political crisis, it is often the troubled state of political parties that lies at the heart of the problem. The democratisation of political parties must be a priority in the efforts to restore public confidence in parties and the democratic process as a whole. In attending to this, a key issue will be how parties finance their activities.

Political party finance and related corruption pose one of the greatest threats to democratic and economic development worldwide.<sup>xiii</sup> Corruption in politics, particularly during election periods, compromises a critical asset of democracy: the faith and support of ordinary citizens in the political system. When political parties fail to appeal to voters or suffer from weak institutional capacities, they often turn to vote-buying as a means to securing support. This in turn creates competitive election spending, driving up the cost of getting elected. As a result of high campaign costs, political parties become increasingly dependent on wealthy donors or, in the case of incumbents, on the wrongful use of state resources. Consequently, the basic underlying principles of democracy are undermined and public confidence in the political process is eroded. In some cases, already limited public funds are diverted for private gain.

Over the past several years, party financing scandals have shaken countries in every region of the world, drawing increased international attention to the

problem. In response, government officials and activists have launched public awareness campaigns and introduced legislative initiatives designed to restrict spending or improve disclosure about the sources of party funding and the expenditure of campaign funds. The success of these efforts varies and typically depends on a combination of legislation, enforcement regimes, sustained political will for reform, and public pressure to demand more accountability in politics.

Where political parties, and most especially opposition parties are weak, then other pressure groups move, either consciously or otherwise, to exploit the void.<sup>xiv</sup> The media, single-issue groups, and non-governmental organisations (NGOs) are often left to grapple with what are intrinsically political issues. But leaving the field to such groups and failing to attend to the reform of political parties is not, ultimately, in the best interests of either the nation or the government. Unless the politics of democracy results in greater transparency and increased acceptance of partnership politics, representative politics will be undermined.

At the beginning of this paper, it was argued that parliamentary parties, both those who govern and those who aspire to govern, must find constructive ways for working together while articulating their disagreements. A real commitment to democratic dialogue and to constructive opposition is essential if moves to strengthen democratic government are to bear fruit. If democracy in the Caribbean is to grow into liberal democracy, parliamentary institutions must be nurtured and supported. Thus, the need for constructive engagement between government and opposition is an imperative not only of pragmatism but also of democracy.

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<sup>i</sup> Report of a workshop on the rights and responsibilities of the Opposition, Marlborough House, London, 8-10 June 1998

<sup>ii</sup> Speech by the Commonwealth Secretary General to the CPA Annual Conference, Bangladesh 2003

<sup>iii</sup> Speech by the CPA Secretary General at a joint CPA/Commonwealth Secretariat workshop on "The Role of the Opposition", London 1998

<sup>iv</sup> United Nations Development Programme Human Development Report 2002

<sup>v</sup> *ibid*

<sup>vi</sup> Speech by the CPA Secretary General to the CPA Annual Conference, Namibia 2002

<sup>vii</sup> Speech by the Commonwealth Secretary General *op cit*

<sup>viii</sup> Remarks by Colin Eglin at a NDI seminar on "The Role of the Legislature in Consolidating Democracy" in Abidjan, 1997

<sup>ix</sup> Speech by the CPA Secretary General *op cit*

<sup>x</sup> Speech by the Commonwealth Secretary General *op cit*

<sup>xi</sup> Speech by the Commonwealth Secretary General at the Preparatory Meeting of the Roundtable of Heads of Government of Commonwealth Africa on Democracy and Good Governance in Africa, Botswana 1997

<sup>xii</sup> Ivan Doherty, "Democracy Out of Balance" in Policy Review, April/May 2001

<sup>xiii</sup> Introduction to NDI's Africa Political Party Finance Initiative

<sup>xiv</sup> Ivan Doherty *op cit*