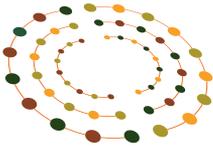




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EU Global Project to Strengthen the Capacity of Parliaments

Parliaments and Crisis: Challenges and Innovations

Parliamentary Primer No. 1

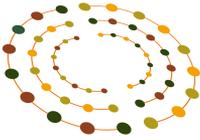




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Parliaments and Crisis: Challenges and Innovations

Parliamentary Primer No. 1

Jonathan Murphy

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Cover image: Mitch Blunt
Infographics: Tutut Christen
DOI: <<https://doi.org/10.31752/idea.2020.22>>

ISBN: 978-91-7671-308-2

Created with Booktype: <<https://www.booktype.pro>>

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1. Introduction

That all plays, bear-baitings, games, singing of ballads, buckler-play, or such-like causes of assemblies of people be utterly prohibited . . .
That all public feasting, and particularly by the companies of this city, and dinners at taverns, ale-houses, and other places of common entertainment, be forborne till further order and allowance.

Crises and disasters are not new; they are inherent to the human condition. The opening quotation is from Daniel Defoe's *A Journal of the Plague Year*, published in 1722, and shows that not only are disasters such as pandemics not new, but society's tools for dealing with them are in many ways similar to those practised over 300 years ago.

Over time, all societies face various crises of smaller or greater magnitude, and governance systems have to deal with them. For societies to develop, and thus for the quality of human life to improve over time, we need to learn how to deal with those crises so as to limit short-term devastation, and also how to take the right decisions in order to bounce back with minimum long-term damage. This Primer looks at how parliaments, in both the past and the present, have dealt with crises that threatened populations and also threatened the ability of states to effectively respond in order to protect citizens and minimize casualties.

The coronavirus¹ pandemic of 2019–2020 has forced countries across the world to deal with a new and rapidly worsening health threat. States have had to make rapid decisions, often without a full understanding of the impacts of different choices, in both the short and the longer term. With scientific opinion sometimes divided on the choices that need to be made, political leaders are in an unenviable position as decision-makers.

Crises are a challenge for any governance system, and democracy is no exception. Parliament is the core institution of representative democracy and thus

its capacity to continue functioning during crisis is a test of the strength and durability of the democratic system. Parliaments function through deliberation and decision-making by elected representatives. When deliberation and decision-making take place in normal conditions, there is time for legislators to listen to their constituents, consult with experts and civil society, and debate different perspectives before making a decision (Urbinati and Warren 2008). However, at times of crisis, decisions may have to be made very quickly. It may also be difficult or even impossible for parliamentarians to meet in person. This can be the case during wartime if a country has been invaded, because of a natural disaster such as a tsunami or earthquake, or, as in the case of the coronavirus pandemic, because of a public health emergency.

In these circumstances, parliaments may well have limited options. There may be some situations in which they can try to continue functioning more or less as normal, which is often possible after physical disasters, such as when a parliamentary building is destroyed—as long as other suitable buildings are relatively undamaged and can be used temporarily. This was the case, for example, for the Legislative Assembly of Tonga, whose Parliament House was destroyed by Cyclone Gita in 2018. Within days, the Speaker of the Assembly had arranged for sittings to be held in the Fa'one lua Convention Centre in the country's capital, Nuku'alofa (Agora 2018).

In other cases, it may not be possible for parliament to function normally, or even at all. Parliaments may delegate decision-making to government by granting it special powers; various types of emergency powers are provided for in most of the world's constitutions. However, even where a situation is so urgent that normal checks and balances must be suspended in favour of efficient decision-making, it is still crucial that parliaments play the roles that make democratic systems ultimately more durable, more effective and more just than any of the alternatives.

These roles include legislation—passing the laws needed to address the crisis and underpin governance in an emergency. Parliaments must also ensure effective oversight of government—confirming both that the actions of government are addressing emergent needs and that government is treating citizens fairly and justly in circumstances where many are vulnerable and unable to protect themselves. Parliament must also vote in the budget needed to address the crisis and again ensure that those funds are spent properly. Unfortunately, an aftermath of many crises is the discovery that some unscrupulous people have diverted resources into their own pockets instead of saving lives. Finally, and perhaps most importantly, parliament and parliamentarians are there to represent the perspectives of their electors in the policy process.

The coronavirus pandemic is a rare, perhaps unique, example, where all or almost all countries in the world have been seriously affected, albeit with varying loss of life or social and economic disruption. Comparable in recent human

history only to the so-called Spanish flu pandemic of 1918–1920, the coronavirus pandemic forced most states to take emergency measures, leaving parliaments with very difficult choices.

By learning about the issues that previous parliaments have faced, and how they dealt with them, we hope to gather experience and information that can be useful to parliaments and the broader community in understanding the challenges parliaments have to address in these circumstances. The focus is particularly on looking forward: what parliaments can do in order to prepare themselves both to function effectively during a crisis and to carry out the effective and constructive oversight that can strengthen governments' planning and response to crises. While it is to be hoped that a similar global crisis will not emerge in the near future or ever, the better prepared we are from understanding and learning from our experiences, the more effectively we will deal with diverse future challenges.

This Parliamentary Primer begins by discussing the question of what leadership in crisis entails. It argues that effective leadership involves dialogue and deliberation leading up to decision-making, and that democratic parliaments are the legitimate forum for such dialogue and decision-making, in both planning for and responding to crisis.

Next, the Primer considers the complex and sometimes conflicting requirements of parliaments confronted with the 2019–2020 coronavirus pandemic, underlining that, however parliaments choose to carry out their functions during crisis, they cannot abandon their core constitutional functions of legislation, oversight of the executive and representation of citizens. A summary is provided of different steps taken by parliaments during the early phase of the pandemic.

The Primer goes on to discuss how parliaments have played an essential function in the policy debate during the crises, particularly in the discussion and debate about the types of economic measures that should be put in place to avoid economic collapse and personal hardship, while restrictive measures were in place that choked off economic activity. Examples are provided of how parliaments in several countries improved government proposals to ensure wider coverage and, particularly, support to vulnerable citizens.

The Primer next considers how parliaments dealt with the issue of providing government with special powers during the crisis, in order to respond to emergency situations and to enforce essential public health measures. It shows that some parliaments effectively scrutinized and amended emergency powers legislation to ensure that it was limited in time and scope, and that the use of special powers would be subject to proper parliamentary oversight. Unfortunately, in some other countries, parliament was unable to put in place such limitations and oversight.

The near impossibility of meeting in large plenary sessions while spread of the coronavirus was rampant imposed a need for innovation, particularly in using

technology to enable virtual meetings. The Primer looks at a number of different models and approaches, highlighting the remarkable speed and innovativeness of many parliaments in making such systems work at extremely short notice. Some approaches used even incorporated the possibility for citizen participation, hinting at the positive potential of these new approaches, which could transform parliamentary work in the future, even after the pandemic emergency.

While shifting operations rapidly to enable safer functioning is a challenge for any parliament, the implementation of virtual solutions, such as online meetings, is a particular challenge for many parliaments in developing countries and emerging democracies. These countries often do not have advanced e-parliament technologies, or the resources to quickly acquire the hardware and software to enable those solutions. Innovations are being shared already, through forums such as the Inter-Parliamentary Union's (IPU) compendium of responses to the pandemic (IPU 2020a). Peer-to-peer support can be particularly helpful in enabling parliaments in developing countries to quickly adopt tested solutions from elsewhere. INTER PARES will prioritize such sharing and learning approaches to parliamentary crisis preparedness.

Some parliaments have been hampered in their ability to implement virtual solutions by regulatory, legislative and even constitutional provisions. While regulations and even laws can often be amended quickly, constitutional provisions requiring the physical presence of parliamentarians are typically difficult to amend, especially where amendment requires a referendum that cannot easily be organized during a pandemic. Parliaments will need to study and initiate constitutional reforms to enable their continued functioning through virtual means during a crisis, while ensuring adequate process safeguards.

The Primer goes on to look at parliaments and their role in disaster planning. The pandemic has demonstrated that, in general, planning for this type of disaster was inadequate in all governance fields, across the world. Further, parliaments often do not have a defined and active role in disaster planning oversight. It will be necessary both for states to improve disaster planning, particularly to take into account the danger of epidemiological crisis, and to assure proper parliamentary oversight, which can help to identify and resolve planning shortfalls before they are exposed in the middle of a crisis. The example of countries in the Pacific region, which have long had to plan for disasters such as cyclones, tsunamis and earthquakes, is highlighted as a model that other countries should consider.

The pandemic highlights the precarity of human existence, and the need to consider big questions about the nature of modern civilization—for example, the impacts both on the climate and on human health of factors such as the deep global integration of economies and societies, as well as the sustainability of an ever-growing global population dependent on accelerated industrial exploitation of natural resources. Parliaments, in which all shades of opinion and interest are represented, are the best forum for such a dialogue in every country—a dialogue

that should engage both experts and citizens in finding common understandings and solutions at the national level, and feed into the international decision-making required to coordinate effective planning for, and responses to, diverse crises and disasters.

The Primer concludes by summarizing the key findings and recommending future directions for parliamentary engagement in planning for, and dealing with, crisis.

Endnotes

1. The virus causing the 2019–2020 pandemic is known variously as coronavirus or COVID-19; for consistency we use the term coronavirus unless in quoted text.

2. Planning for and confronting disaster—heroic autocracy or collective collaboration?

Human civilizations are subject to a multitude of different afflictions. Some, such as war, are self-inflicted, while others, such as natural disaster and disease, are usually the result of chance and bad luck. In earlier history, disasters were often attributed to the wrath of gods (Grandjean et al. 2008), and averting such disasters was seen as dependent on either appeasing the gods, or trusting in fate. The story of Noah, shared within the Jewish, Christian and Islamic traditions, diverges somewhat from this teleology, in that—while the flood was the result of God’s vengeance for sin—Noah was given an opportunity to save a representative sample of creatures (Dynes 1998).

Whatever the reason for the disaster, at least in the most advanced of early civilizations, basic disaster planning did take place. Perhaps the best documented example is in firefighting. In ancient Egypt, various water pumping systems were designed to combat fires that regularly destroyed buildings as famous as the Library of Alexandria (Cherf 2008). During the Roman empire, a rudimentary firefighting service was developed, with hired slaves—*Vigiles* or ‘fire soldiers’—charged with patrolling the city and responding immediately to conflagrations with a variety of tools (Sablayrolles 1996).

Nevertheless, the shift towards more organized systems for fighting fires, along with other calamities, arose during the Enlightenment period beginning in the late 17th century. As the belief that humans are at the centre of the universe gained currency, so the possibility and even the necessity arose of planning for, and indeed averting, disasters. However, the idea of comprehensive national and even international systems for dealing with disasters, and making reforms to avoid

their repetition, is quite new. America's Federal Emergency Management Agency was only established in 1979, bringing together a number of sector-specific emergency management bodies (Kreps 1990).

The value of planning for pandemics, crises and disasters, and the attribution of blame when crisis aversion and management systems are unsuccessful in limiting disaster, has become a highly politicized issue. When Hurricane Katrina hit the southern coast of the United States in the summer of 2005, US President George W. Bush was widely criticized personally for his own lack of engagement early on, and in terms of his broader leadership for allowing the Federal Emergency Management Agency to be organizationally unprepared for the scope of the disaster, resulting not only in immediate loss of life, but also in an extremely long recovery period (Brinkley 2015).

Attributing the bulk of blame or credit to leaders, in terms of the effectiveness of both planning and response to diverse disasters, of course simplifies the reasons why complex aversion and reaction systems do—or do not—function well. As Dynes (2003) notes:

The command and control model is still normative for much current planning efforts, in large part because community emergency planning historically emerged from a parallelism with war and, from the fact that many civilian communities assumed that those with military experience had the most relevant skills to plan for civilian populations.
(Dynes 2003: 174)

The argument, or assumption, that a command and control approach is the obvious, or indeed only, means of dealing with a disaster is a challenge to the role of parliaments in governance, and thus to representative democracy altogether. If parliaments have a crucial role only in 'normal' times, then are they merely a decorative legitimization of elite rule? This Primer explores the roles that parliaments play in crises, drawing primarily but not exclusively on the coronavirus pandemic of 2019–2020.

3. Parliaments and the 2019–2020 coronavirus pandemic

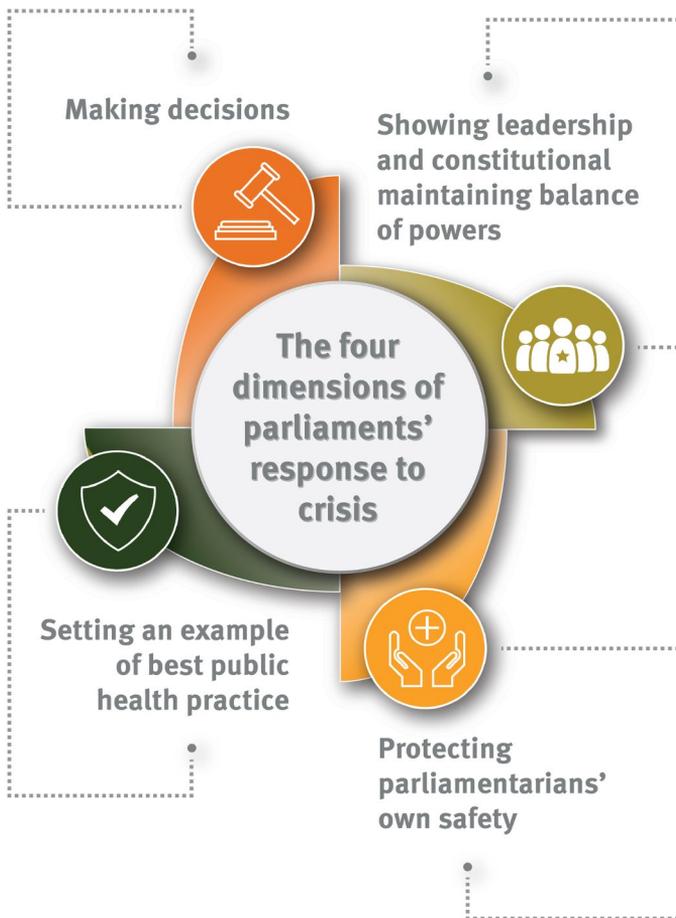
The challenges parliaments faced in addressing the coronavirus pandemic differed from those experienced during other disasters for a number of reasons:

1. Unlike a single catastrophic event, after which survivors are required to rebuild physical, economic and social systems, the coronavirus pandemic has required real-time decision-making in circumstances of great uncertainty over a relatively long period.
2. The likely course of the disease was unknown and reputable experts disagreed considerably about the best measures to take, while even highly developed countries adopted very different responses to the pandemic, with no definitive correlation between response adopted and pandemic impact in different countries.
3. Parliamentarians were themselves at risk of illness and death through carrying out their normal business, which includes meeting physically together as a collective body to make decisions, and interacting with citizens in order to understand and represent their needs.

Parliaments were faced with a particularly complex and contradictory set of challenges to their functions when the coronavirus crisis struck. Most parliaments feel an obligation to respond to the crisis in four different and sometimes conflicting dimensions, at the same time:

1. Make decisions, particularly in relation to the emergent health crisis and any special measures and powers that need to be legislated.

2. Show leadership and perform their constitutional functions, thus maintaining the constitutional balance of powers and, specifically, the accountability of government to the people, even in times of crisis (Van Onselen 2020).
3. Set an example in respecting the public health provisions that are being established to combat health risks—depending on the country, this includes social distancing, the prohibition of group meetings, curfew, etc.
4. Protect themselves physically both as individuals and as representatives of the people, as well as those with whom they may come into contact.



In most cases, parliamentary speakers, while torn between these different demands and risks, have emphasized parliament's obligation to continue functioning despite the crisis, in order to fulfil the institution's obligations. Some leaders, such as the US House of Representatives Speaker Nancy Pelosi, have made a parallel with sea captains who cannot abandon ship until the last soul is saved (Reuters 2020). Speaker of the Danish Folketing, Henrik Dam Kristensen, while restricting non-parliamentarians' access, emphasized the essential constitutional role of parliament:

It is crucial for Danish society that we maintain the essential functions of the Danish Parliament, so that we can adopt legislation. We have a duty to ensure that Parliament can discuss and adopt urgent proposals. Among other things, legislation is needed to give the government the legal basis to implement measures that can bring Denmark through the current crisis.
(Danish Parliament 2020)

Roberto Fico, Speaker of the Italian Chamber of Deputies, was faced with one of the most difficult situations; in the second half of March 2020, Italy was hit by the largest number of deaths from the pandemic, in both per capita and absolute terms. The health risks that legislators took in meeting were significant. Faced with the possibility of holding meetings virtually, he argued both that these measures probably contravened the Italian Constitution, which requires in-person presence (article 61, Senate of the Republic 1947), and that parliament must remain present in a time of calamity, just like doctors:

Parliament must be at the forefront, it cannot go back, as doctors and other categories do not go back, I want to remind everyone. And this is because in emergencies the Parliament not only remains a garrison to guarantee democratic principles, but is called to offer support to those who face the emergency first-hand and to those who suffer the economic and social weight of this situation.
(AgenPress.it 2020)

Figure 1. Informative session at the Italian Senate with Minister of Health Roberto Speranza on new measures to mitigate the crisis on 1 April 2020



Source: The Italian Senate Instagram page, <<https://www.instagram.com/p/B-bmSseCKTO/>>.

Why ‘waste time and risk lives’ with parliamentary deliberation during a crisis?

The pressure to reduce the number of parliamentary sittings given the logistics of countries operating under lockdown and the desire to reduce unnecessary physical proximity ran contrary to the need to take decisive measures to deal with the health and economic implications of the pandemic. Indeed, it is at times of crisis that the most important decisions are often taken, and these decisions should take into account the broadest range of perspectives, including views from differently impacted geographic regions, population diversities, different social and economic interests and divergent political and ideological viewpoints. Parliament is the only national institution that permits all this human diversity to be represented in the decision-making process, and in an organized and constructive way.

While the coronavirus pandemic demonstrated the value of decisive action, decisiveness does not correlate with effective governance. While authoritarian governments can sometimes act quickly at times of crisis, they are also prone to act in other ways that are dangerous to crisis response. For example, information provided to the public, and to international bodies, may often be selective and geared towards covering up errors. Where whistle-blowers risk punishment (*South China Morning Post* 2020), crucial information is inevitably suppressed. Furthermore, in societies without a citizen feedback loop or stake in decision-

making, governance approaches are often very blunt, with little consideration of the human rights implications of government actions.

In the worst cases, unchecked leaders may impose authoritarian measures which may be unnecessary and which can continue well beyond the crisis situation; for example, many measures from the wartime collaborationist Vichy government remained in place in post-war democratic France through to the 21st century (Le Point 2012).

Further, early evidence from the coronavirus pandemic suggests that the most successful responses to the first wave of the coronavirus, in terms of limiting numbers of cases and of deaths, took place in democratic countries including South Korea (*Financial Times* 2020). In effective democracies, where inclusive and collaborative decision-making leads to public acceptance of government decisions, more sophisticated and targeted approaches depend on voluntary public acceptance and support. Polling in the United States showed that more than 90 per cent of Americans were following social distancing guidelines in March 2020 (*The Hill* 2020b), although some data collected through mobile phone records suggested figures for compliance were somewhat lower, especially in states that did not have stay-at-home orders (*New York Times* 2020d). In the UK, comparable polling figures for compliance with social distancing rules in early April 2020 were around 83 per cent (Weinberg 2020).

4. How parliaments responded to coronavirus—a country overview

A review of the actions taken by different countries shows that many parliaments tried to balance the tension between the institution's different obligations, by addressing two or more of the four dimensions listed in Chapter 3. In the second half of March 2020, as the pandemic reached most countries in the world, the actions of 40 national parliaments across the globe were surveyed, including 19 European Union Member State parliaments, three non-EU European national parliaments, five parliaments in Asia, four in North and Central America, three in South America, and two parliaments each in Africa, the Middle East, and Oceania. In addition, the actions of the European Parliament and some state legislatures in the United States and Australia were surveyed.¹

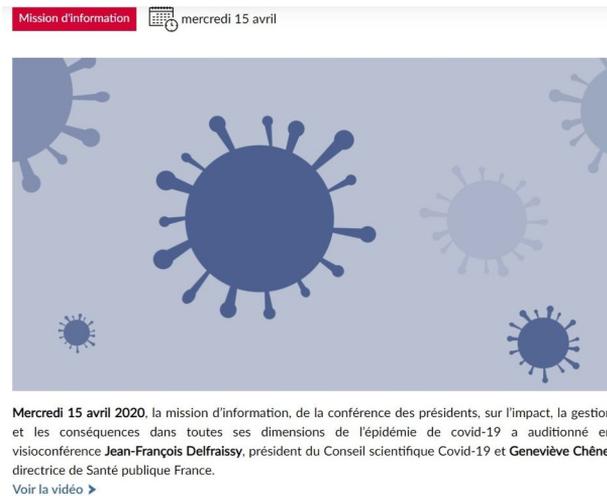
The data collected is merely a snapshot of the situation at the time of data collection, as well as of the availability of information online; many, if not most, of the parliaments represented in the survey will have taken further or different measures subsequently.² The survey is thus not representative but rather a review of different types of actions taken. In many parliaments, further steps were taken to address coronavirus, along one or more of the four dimensions listed above, after the survey was carried out. Nevertheless, the types of actions taken typically remained within these four dimensions. Because the survey is not representative, quantitative results are not reported; rather, types of actions and notable specific responses are reported.

Beginning with the first action dimension, in the area of legislation, most parliaments took some kind of legislative steps, typically within three general categories, although these often overlapped with each other. First, changes were made to public health legislation, allowing specific controls and practices to be put in place to protect public health (see, for example, France 24 2020), such as

social distancing and the closing of certain businesses. Second, emergency economic measures were put in place in order to protect the incomes of those whose livelihoods had been impacted by the proscription of certain economic activities and decline in other types of economic activity, as a result of the coronavirus pandemic and measures taken to combat it (see, for example, *Irish Times* 2020a). Third, a number of parliaments voted to give government specific powers in order to enable it to deal effectively with issues arising from the crisis, particularly relating to issues such as the closing of borders and restrictions on certain civil liberties, including freedom of assembly and even in some cases freedom of speech.

Parliaments have also taken a wide variety of different steps in order to prioritize legislation, whether to focus on coronavirus-related legislation, to narrow the overall legislative agenda to focus on the most important matters, and/or to deal only with emergency matters (including coronavirus). For example, legislatures in Australia, Brazil and France agreed to only deal with legislation related to the crisis. Six of the surveyed parliaments resolved only to consider emergency, priority and/or time-sensitive legislation—namely Austria, Belgium, Denmark, Estonia, Italy and the Netherlands—while Greece’s Hellenic Parliament will address only one piece of legislation per week. Conversely, by 20 March 2020, both Russia and Sweden were continuing to address all legislative issues.

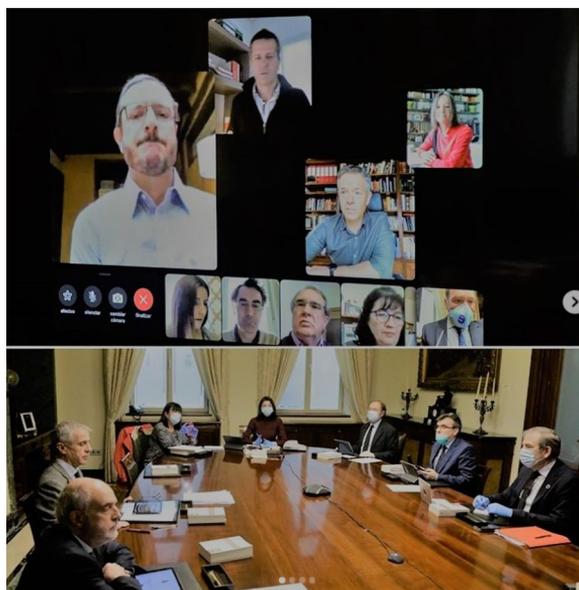
Figure 2. Conference of Presidents hearing with the President of the COVID-19 Scientific Council and the Director of Public Health France on 15 April 2020



Source: French National Assembly 2020, <<http://www.assemblee-nationale.fr/dyn/actualites-accueil-hub/mi-covid-19-audition-du-president-du-conseil-scientifique-covid-19-et-de-la-directrice-de-sante-publique-france>>.

Parliaments have responded in different ways to the challenge of continuing to play their constitutional role of oversight. While none of the surveyed parliaments indicated that it had ceased to carry out oversight, several parliaments ended their sessions and it was not clear that oversight work was continuing. Some parliaments adopted special oversight provisions. For example, in Brazil a mixed committee of six legislators from each chamber of the parliament is monitoring the work of the government, including through virtual meetings. In Spain, committee oversight is carried out through a single nominated representative of each parliamentary group. In the Czech Republic, where the parliament was not sitting in March 2020, government regularly informed the Parliamentary Bureau and political group leaders of emergent developments (Czech Republic Parliament 2020a). In Trinidad and Tobago, as the potentially disastrous impact of the pandemic became clear in February 2020, the joint Public Accounts and Appropriations Committee of both Houses organized a special meeting in which all of the ministries involved in the coronavirus response were asked to explain their ministries' plans to deal with an outbreak in the country (Parliament of Trinidad and Tobago 2020). This enabled parliamentarians to question them on plans, and also provided citizens with the opportunity to view and assess the performance of the government.

Figure 3. The Spanish Senate's Board of Spokespersons meet by videoconference on 14 April 2020



Source: Spanish Senate Instagram, <<https://www.instagram.com/senadoesp/>>.

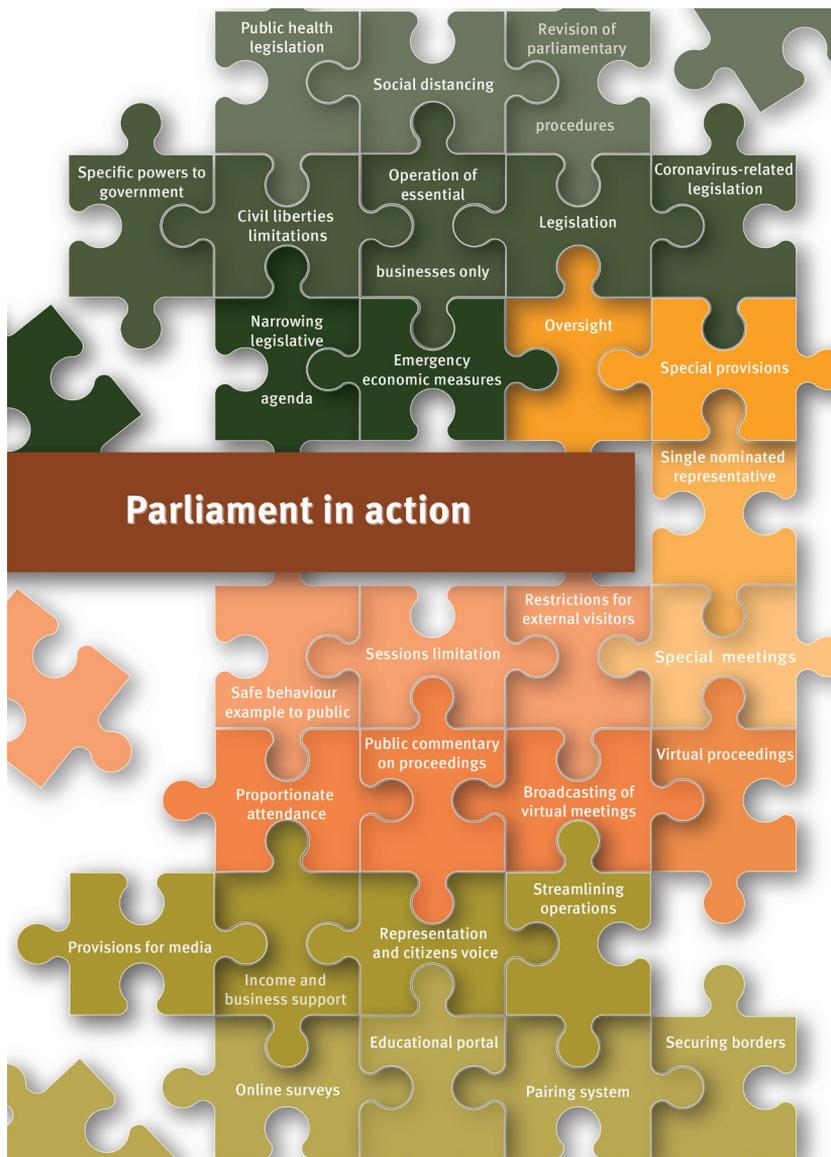
Parliaments have responded in different ways to the need to set an example to the public by practising safe behaviour, as well as protecting their own health and avoiding spreading illness to family, colleagues, etc. A number of parliaments have suspended sessions—either for a specific period or indefinitely—including the Czech Republic, as mentioned above, as well as Canada, China, Colombia, South Africa and Switzerland. Some parliaments have taken specific actions to limit sessions or bring them to a close speedily. For example, in Spain, for two weeks, parliament only convened for Prime Minister’s questions. In Costa Rica, the session was fast-tracked to bring business to a close by 22 March 2020, so that the session could then be suspended. In Argentina, all parliamentary operations were reviewed every 48 hours and adjusted as needed.

Numerous other measures were taken in order to reduce the potential health risks of carrying out parliamentary business. The majority of parliaments surveyed introduced restrictions on the attendance at parliament of non-parliamentarians. In a number of parliaments, parliamentary staff were restricted; in Argentina, for example, staff were not permitted to accompany MPs at parliamentary committee meetings. Typically, all those who are not essential to parliamentary operations were excluded from some or all parliamentary buildings, for their own health and that of parliamentarians. Visitors’ galleries, where the public can attend and watch debates, were typically closed, although there were exceptions.

Provisions for media varied substantially. In some parliaments, including Bulgaria, Estonia and Finland, parliament was closed to media. In others, limited media presence was still permitted; and in Brazil, for example, media presence was restricted to those already accredited. In some countries, such as India, the Netherlands and Sweden, media was still being permitted to attend parliament meetings. The issue of how the media covers parliamentary business that is taking place without parliamentarians being physically present requires further consideration, especially if a significant proportion of the business is carried out online. When parliamentarians are physically present during sittings, journalists can ask them questions directly, but it is much easier for parliamentarians to ignore an email enquiry or not pick up the phone.

While physical public access to parliaments and parliamentarians was necessarily limited, broadcasting of parliamentary sessions continued largely as normal. As discussed in case studies below, where special virtual proceedings were established for plenary and committee meetings, additional opportunities were put in place for public commentary on proceedings, as in Brazil. This development highlighted one of the potentially positive outcomes of the crisis and the resulting shift to virtual proceedings—the possibility of enhancing opportunities for representation and citizen voice. Direct communication with electors is another parliamentary function that can be impacted by pandemics; for example, constituency offices were closed in many countries during the coronavirus pandemic. In the UK, MPs received grants towards the costs of

interacting remotely with constituents, while in Georgia, MPs innovated with online surveys to gather citizen perspectives and opinions to feed into legislative discussion (Thornton 2020). In the Czech Republic, the Department of Communication and Education of the Parliamentary Institute of the Chamber of Deputies is launching a new user-friendly portal for educational purposes, with informative sessions, workshop materials and a virtual tour of the Chamber of Deputies, in order to fill the gap left behind by the cancellation of all in-person educational activities (Czech Republic Parliament 2020b; Kuta 2020).



Parliamentary procedures were revised in a number of legislatures in order both to protect parliamentarians and staff, and to streamline operations. A number of parliaments enabled proportionate attendance and voting according to parliamentary group size, so that business could continue on a multi-party basis, without crowded plenary and committee rooms. Different mechanisms were used to achieve this result. For example, in Australia, the system of ‘pairing’, where members from different parties who are unable to attend sessions for whatever reason (sickness, travel, etc.) agree to ‘cancel each other out’, was expanded to encourage members to participate in pairing to reduce the number of MPs in attendance.

In some parliaments, such as Sweden’s Riksdag, the necessary quorum for parliamentary business to proceed was reduced. In Ireland’s lower house, one-third of members selected proportionately by parties debated the country’s coronavirus-related economic and public health legislation, with votes by roll call rather than the traditional practice of entering ‘yes’ and ‘no’ lobbies (*Irish Times* 2020c). In Kenya, 70 members were permitted to attend sessions of the National Assembly, on a first-come, first-served basis with spaces reserved for table officers, government and opposition leaders, and movers of motions (Parliament of Kenya 2020; Capital FM (Kenya) 2020). In New Zealand, a series of measures were enacted to reduce the need for physical presence: notices of motions could be submitted electronically, the number of permitted proxy votes could be increased, and oral and urgent questions could be submitted electronically rather than in person. In Germany’s Bundestag, the debate on the economic package developed to address the impacts of the virus was held with most members absent and watching the debate from their offices on television. However, most members did vote on the package; instead of passing through the yes, no and abstain doors as normal, they voted in ballot boxes outside the hall (Deutsche Welle 2020). While limiting physical attendance and holding proceedings remotely through video sessions are completely understandable and necessary measures, these current temporary approaches probably lend themselves best to less controversial matters. It is not clear how effectively a political opposition might be able to intervene in remote debate, or where few deputies are present. Certainly, one challenge following the pandemic will be to work intensively to enhance video debate systems, and to test approaches that can replicate the role played by physically proximate parliaments as the cornerstone of representative democracy.

In Ireland, where national elections were held on 8 February 2020, the results were inconclusive, and negotiations continued through the peak of the coronavirus crisis. As a result, a parliamentary vote to elect the new Taoiseach (Prime Minister) could not be safely held in Leinster House, the Irish parliament building. Instead, the parliament negotiated to hold the meeting in another large venue, such as the Dublin Convention Centre, so that social distancing rules could be respected (thejournal.ie 2020b).

A major tool for limiting the spread of the coronavirus pandemic is teleworking. Greatly enhanced communication technologies allow for much work to be carried out online, including meeting through videoconferencing. While a few parliaments, such as the Hellenic Parliament in Greece, already had provisions in the rules of procedure for some meetings to be held online, after the crisis began, a number of parliaments introduced emergency changes to procedures to increase the possibility for committees and even plenaries to be held through videoconferencing or other remote methods. Systems for casting votes remotely were also introduced in a number of parliaments; this and other innovations are discussed in Chapter 8. At the same time, it was not always clear whether parliaments that introduced provisions for remote functioning were actually equipped to carry out work in this way.

Examples of regulatory initiatives to facilitate remote working were very varied. In state legislatures in the United States, Oklahoma introduced the possibility of proxy voting, Connecticut allowed committee votes by telephone, Pennsylvania changed its rules to allow members to vote from home or elsewhere, and Utah passed a bill to allow remote meetings.

Basic measures to keep working while protecting citizens, legislators and parliamentary staff

Most parliaments surveyed took simple steps necessary to function effectively and safely through the crisis:

- reducing public access to the parliament buildings for the safety of members and of the public;
- reducing staff presence at committee and plenary meetings for the same reasons;
- allowing staff to telework wherever possible;
- reducing the number of members present in the plenary and at committees, including by changes to parliament's rules of procedure; and
- prioritizing the legislative and oversight agenda to focus on the immediate crisis.

Endnotes

1. Some examples not captured in the survey are included within the text, when further information was received during review of the first draft.
2. The primary criterion for selection of parliaments was immediate availability of data in English, French or Spanish languages on the websites of the parliament and/or in news articles about the parliament. The results will be skewed towards parliaments in developed countries where parliamentary affairs are regularly reported in one of the three survey languages, either on the website of the parliament or in news articles.

5. How parliaments played a crucial role in governance during the pandemic

Parliaments around the world responded in a wide variety of ways to the pandemic. A few parliaments suspended plenary and committee sessions following the passage of emergency legislation giving government special powers to deal with the crisis.¹ However, most parliaments surveyed played a crucial role in discussing, debating and approving measures to deal both with the public health implications of the crisis and, particularly, with the economic fallout, including loss of personal income and risk of mass corporate failures. This chapter showcases a range of parliamentary actions.

United States: Cross-party negotiations in Congress lead to a broad economic support package

The United States Congress held intensive cross-party discussions to put in place a large package of economic measures valued at USD 2 trillion. This included:

- providing direct payments to low- and middle-income citizens;
- broadening and enhancing the unemployment benefit system to aid workers suddenly made unemployed as a result of the impact of the virus;
- transferring resources for state and local government to support hospitals and implement health and security measures to protect citizens;
- providing support to industries at risk of bankruptcy due to movement restrictions, difficulties doing business, and the collapse of certain parts of the economy, such as travel and tourism; and
- freezing student loan repayment requirements, loosening private retirement pension rules, and providing bigger tax breaks for charitable donations.

In a governance system such as that in the United States, where budget details are negotiated within parliament, putting together such a complex package requires intense negotiations. While, in principle, these could be carried out remotely, in practice they involved extensive face-to-face discussions between the leaders of the two main parties in both chambers of Congress (*New York Times* 2020b).

The issues covered in the intensive discussions on the package addressed real divergences about the best way to support the economy and society through the crisis. The Republicans emphasized the need to support businesses so that they would not fall into bankruptcy. Conversely, the Democrats insisted that support for hospitals coping with the pandemic was the priority (*New York Times* 2020a). They also insisted that provisions be added to the legislation providing for oversight of how the funds were being spent (*New York Times* 2020c), and blocking President Trump and members of his family from benefiting from the business support included in the measures. Senate Democrats voted against the first draft of the package, blocking its progress. The package that was finally approved by both chambers of Congress represents a trade-off reflecting different views within US society about social and economic priorities, and the role of government. Ultimately, it was approved unanimously in the Senate, and by a huge majority in the House of Representatives. If decisions had been made by an unaccountable executive authority, there is little doubt that the measures would have been differently weighted, without taking into account the diversity of citizen views channelled through their elected representatives.

Ireland: Scrutiny enables enhanced support to vulnerable people

In Ireland, an economic rescue package including income guarantees for affected citizens involved a ‘marathon’ session of both chambers of parliament, made especially urgent because the crisis took place shortly after a general election, with the mandate of the previous members of the upper house about to expire, which would have resulted in delays to the legislative passage (*Irish Times* 2020b).

Measures debated and passed by the Irish parliament to address the crisis were considered in two separate pieces of legislation debated and passed in the third and fourth weeks of March 2020: Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act (Houses of the Oireachtas 2020b) and a special combination legislation, the Emergency Measures in the Public Interest (COVID-19) Act (Houses of the Oireachtas 2020a), involving provisions covering six separate ministries. The measures included:

- special powers to enforce social distancing, including through temporarily closing businesses, banning public events and introducing restrictions on movement;
- sick pay for all those affected by coronavirus whether directly by illness or indirectly by required quarantine;
- a wage subsidy to employers affected by the crisis to enable them to retain staff;
- a moratorium on mortgage repayments and a ban on evictions of tenants for non-payment of rent, as well as a rent freeze;
- changes to business licences to allow restaurants and cafes to operate as take-out restaurants; and
- allowing retired medics to return to work to treat patients during the health crisis.

Debates on the legislation within the Dáil Éireann, the lower house, were detailed and thorough. A number of amendments were put forward and debated to address possible weaknesses in the legislation. One of these amendments (passed by only 25 votes to 24²) was to extend the protection from eviction to people living in rooms rather than independent accommodation, and to the Irish Traveller community who stay in mobile accommodation (Dáil Éireann 2020). This amendment, benefiting particularly vulnerable parts of the population, would not have been adopted without effective parliamentary scrutiny.

Further, government agreed, and legislators approved, an amendment to the proposed legislation, providing for the emergency legislation to be reviewed by parliament at the latest by 9 November 2020. By that date, a vote must be taken on whether to renew the legislation or let it expire (Irish Council for Civil Liberties 2020; *thejournal.ie* 2020a).

Germany: Broad consensus across diverse party lines on economic measures

In Germany, responsibility for public health legislation, including enforcing social distancing by putting in place restrictions on citizens, rests largely with the individual states; the federal state has responsibility for broad macro-economic policy. In the German national parliament, two major legislative packages were adopted in late March to address the virus—both were proposed by the government, debated and passed by both chambers. The first was a series of actions to organize and support the healthcare response to the crisis; the second was a EUR 750 billion package of economic measures to address the coronavirus pandemic. The package included:

- EUR 600 billion supporting large companies, including loan guarantees, liquidity aid and possible equity holdings;
- support for small companies and the self-employed;
- expansion of subsidies to workers working reduced hours;
- loosened welfare eligibility criteria;
- direct support for hospitals;
- protection for tenants; and
- suspension of Germany's strict limits on public sector debt (*Der Spiegel* 2020).

Germany is governed by a national coalition made up of the two traditional largest party blocs—the moderate conservatives the Christian Democratic Union and Christian Social Union (CDU/CSU) and the moderate social democrats the Social Democratic Party (SPD). The strength of the two large parties has declined over recent elections, and four other parties—from the far-left Die Linke to the far-right Alternative für Deutschland (AfD)—have grown. In the debate in the Bundestag, Die Linke in particular proposed a number of amendments to enrich the package with more support for workers. The AfD's proposed amendments, interestingly, generally also involved enriching the package, for example by guaranteeing families' access to childcare. While all of the left and right parties' amendments failed, the capacity to receive alternative views presents a counter-factual argument to populist claims that smaller parties' voices are always suppressed.

AfD leader Alexander Gauland did use the debate to argue that state borders should have been closed earlier in the crisis, and to point out that the closing of borders demonstrated that Germany's borders could also be closed to stem the flow of migrants (the AfD's main policy interest). The AfD also used the opportunity to propose subsidies for German students to work in farms to bring in the harvest, instead of hiring migrant workers from outside the EU.

Germany: Broad consensus across diverse party lines on economic measures (cont.)

However, ultimately, Gauland agreed that the package contained ‘many correct insights’, and that ‘standing together is now the first duty of the citizen’ (German Parliament 2020a). The economic package was adopted by an overwhelming majority of legislators (German Parliament 2020b).

Engaging legislators from populist parties in parliamentary debates during crises requires them to address pressing policy issues in a detailed way, shifting away from broad pronouncements implying that simple solutions are available for all issues.

The importance of the role of parliament in times of crisis

Although it is superficially attractive to claim that, at times of crisis, politics should not enter into decision-making on state solutions, this is to misunderstand politics as a merely venal activity for trading self-interests. As discussed in the three cases above, there were genuine policy differences that needed to be addressed through democratic process. Even though the timelines for development, debate and adoption of legislation were greatly compressed, these processes worked well in each country. Paradoxically, in each of the three cases, perspectives from populist extremes were overshadowed by constructive politicians of different parties working together through debate, discussion and negotiation to find a compromise that addressed the country’s needs as comprehensively as possible. Rather than providing a platform for populist attacks on democratic processes and ‘the system’, the detailed engagement of parliament showed that representative democracy can function effectively even during an urgent crisis.

Endnotes

1. See the global update by the Inter-Parliamentary Union (IPU 2020b). The data collection is carried out by the IPU’s Centre for Innovation in Parliaments, which receives financial support through INTER PARES.
2. Although there are 160 members of the Dáil Éireann, business was conducted with one third of members selected proportionately from different parties and groups. See discussion in Chapter 4.

6. Deliberating, enacting and limiting special powers

During the coronavirus crisis, in most countries, parliaments legislated to give governments special powers to deal quickly with the emergent crisis, or activated existing reserve powers. Typically, these powers include the right to suspend certain freedoms in order to be able to contain and/or respond to the crisis. For instance, movements around a disaster zone might be suspended in order to allow emergency services to access the wounded and make structures safe—for example, after a military attack or a natural disaster such as an earthquake. In the case of epidemics, the ability to stop people from carelessly or intentionally communicating the disease to others is particularly important. In several countries, right to information legislation was partially or entirely suspended, primarily on the grounds that governments could not access documents or respond in a timely manner during lockdowns (Global Right to Information Rating 2020).

In this chapter, cases are highlighted of the types of emergency powers that have been granted, and the oversight and human rights safeguards put in place to balance and limit these special powers.

Finland: Well-regulated system for invoking emergency powers

Many countries have existing legislation that covers emergency situations, but which must be activated by a parliamentary vote, and typically can remain in force only for a defined period without being renewed. An example of a well-regulated system for invoking emergency powers is Finland. Finland's Emergency Powers Act dates from 1991 (Ministry of Justice, Finland 1991), although similar legislation existed prior to that. The Emergency Powers Act can be invoked by the President of Finland at the request of the Prime Minister. There are five grounds under which the Emergency Powers Act can be invoked, as stated in the Act including amendments up to 2003. These include:

1. an armed attack against Finland, as well as war and the aftermath of war;
2. a serious violation of the territorial integrity of Finland and a threat of war against the country;
3. war or a threat of war between foreign countries and a serious international crisis implying the threat of war and requiring immediate action for the increase of the defensive readiness of Finland, as well as other specific conditions outside Finland having a comparable effect, if they may pose a grave danger to the foundations of national existence and well-being referred to in Section 1(1), (198/2000);
4. a serious threat to the livelihood of the population or the foundations of the national economy brought about by hampered or interrupted import of indispensable fuels and other energy, raw materials and goods or by a comparable serious disruption of international trade; and
5. a catastrophe, provided the authorities cannot control the situation with regular powers (Ministry of Justice, Finland 1991: Section 2).

The Finnish government decided that it might need to invoke the Emergency Powers Act, for the first time in peacetime, on 14 March 2020 (Yle 2020a), on the grounds of catastrophe (Ministry of Justice, Finland 1991, Section 2(5)), when it became clear that there was a risk that the spread of the coronavirus in the country could not be controlled without special measures. Prior to making a decision, Prime Minister Sanna Marin met with all five of the parties that are part of the governing coalition. At a press conference, she announced that the government was considering invoking the Emergency Powers Act, but would not do so immediately to allow broad consultation. The Emergency Powers Act would be in place until 13 April 2020, unless renewed by parliament on the proposal of the President and Prime Minister.

Finland: Well-regulated system for invoking emergency powers (cont.)

The invocation of the Act must be debated and approved by parliament within seven days, otherwise it becomes null and void. While the state of emergency can be decreed prior to parliamentary approval, if it is necessary to enable government to respond immediately to urgent crises, Prime Minister Marin decided that the measure should not come into effect until after parliament had debated the issue.

On 16 March, Prime Minister Marin issued the government decree invoking the Act (Yle 2020b; Pohjanpalo 2020), effective 18 March. The next morning, on 17 March, parliament held two sessions (Parliament of Finland 2020a). In the morning, the government presented its decree at a plenary session, and asked for parliamentary approval. In the afternoon, parliament met again in plenary and held a preliminary debate on the emergency powers. Parliament referred the proposal to its Constitutional Law Committee, which held a first meeting on the evening of 17 March, and a second meeting early the next morning, on 18 March. The Committee heard from independent legal experts, from the Ombudsman and from the Chancellor of Justice, another independent government oversight institution in Finland. After the two meetings, the Committee prepared a report recommending the approval of the emergency decree, although amended to remove one article that the committee considered might inappropriately restrict the rights of healthcare workers (Parliament of Finland 2020b).

On 18 March, the Finnish parliament, the Eduskunta, debated the report of the Constitutional Law Committee. The debate was thorough, taking five hours, with detailed speeches by representatives of all the political parties (Parliament of Finland 2020c). There was general acceptance that the measures were necessary; most members focused their contributions on highlighting specific issues that they felt the government should be paying special attention to. For example, Arja Juvonen of the main opposition Finns Party underlined the importance of protecting medical staff treating the disease. Green League MP Iiris Suomela, a member of the Constitutional Law Committee that had written the report, underlined the importance of continuing to respect human rights protections even while the emergency powers were in place. Päivi Räsänen of the Christian Democrats noted that Finland had suffered previously during World War II, and had come through successfully; the same would be true today. Mikko Savola of the Centre Party emphasized the need at this time to ensure the provision of basic necessities, including food, fuel and essential medicines. Seppo Eskelinen from the Social Democrat Party, the largest of the government coalition parties, emphasized the need to support small businesses, which were really suffering, in particular in sectors such as hospitality; in addition, municipalities were facing a heavy burden. At the end of the debate, the report of the Committee was accepted and the temporary emergency measures confirmed.

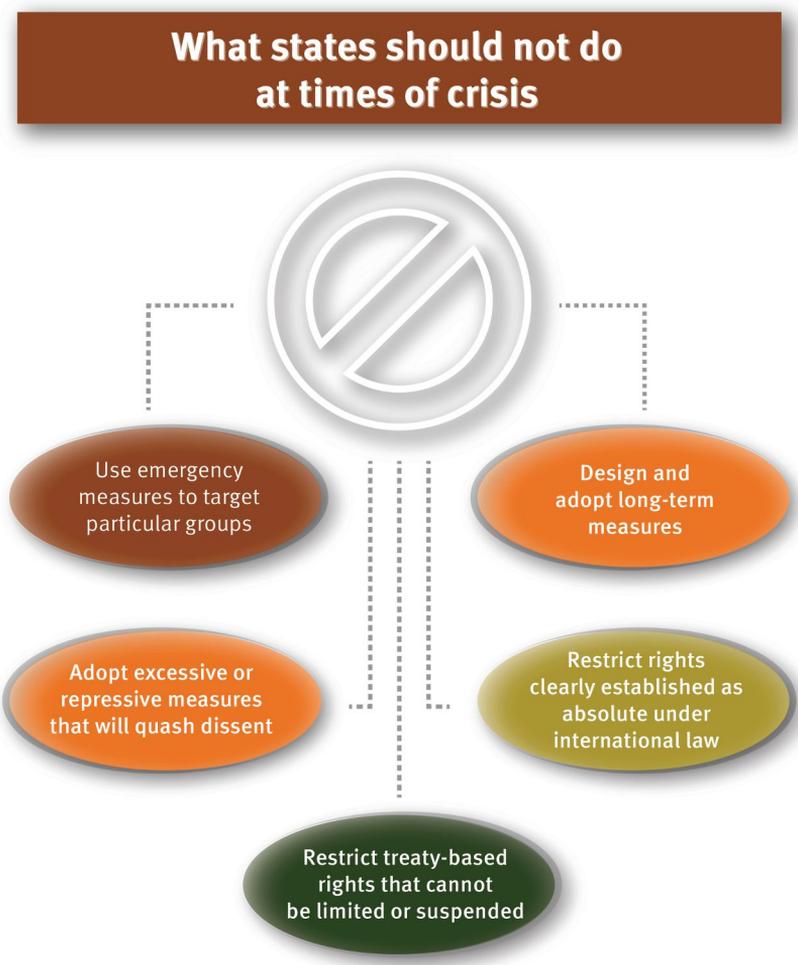


Similar safeguards were included in the emergency powers process followed by other countries with strongly entrenched cultures of civil liberties. The Storting, the parliament of Finland's neighbour Norway, also scrutinized the emergency powers legislation through two readings, in line with the country's Constitution. Further, one-third of Norway's legislators can vote to cancel the emergency

legislation in full or in part, effectively meaning that a super-majority of two-thirds is required to maintain the legislation (Parliament of Norway 2020c).

The examples of approaches to emergency measures to deal with crises demonstrate the importance of: (a) limitation of emergency powers provisions to the minimum necessary to safeguard public health without infringing unnecessarily on other human rights, such as freedom of speech; (b) time-limitation of emergency powers and automatic expiry unless explicitly renewed by vote of parliament; and (c) careful parliamentary consideration of the powers required, with willingness to reduce or restrict government-requested powers where these are considered excessive or potentially unjust to certain citizens. In the case of both Finland, cited above, and Ireland, cited in Chapter 6, parliament was willing to intervene to ensure that a balance between effectiveness and human rights was maintained, and that the needs of all citizens were taken into account. In the absence of effective parliamentary engagement, these factors would not have been adequately taken into account.¹ The president of the European Commission, Ursula von der Leyen, noted in a 31 March 2020 statement that, ‘The European Union is founded on the values of freedom, democracy, the rule of law and respect for human rights. These values are common to all of us. We must uphold and defend them, even in these challenging times’ (European Commission 2020). Thirteen EU Member States re-iterated this point in a joint declaration.

In this unprecedented situation, it is legitimate that Member States adopt extraordinary measures to protect their citizens and overcome the crisis. We are however deeply concerned about the risk of violations of the principles of rule of law, democracy and fundamental rights arising from the adoption of certain emergency measures. Emergency measures should be limited to what is strictly necessary, should be proportionate and temporary in nature, subject to regular scrutiny, and respect the aforementioned principles and international law obligations. They should not restrict the freedom of expression or the freedom of the press.
(Bayer 2020)



Note: Extracted from The European Center for Not-for-Profit Law Stichting and International Center for Not-for-Profit Law, Keeping Civic Space Healthy: Saving Lives & Human Rights, <<http://ecnl.org/wp-content/uploads/2020/03/saving-life-and-human-rights-ECNL-ICNL.pdf>>, accessed 29 April 2020.

Endnotes

1. The prerequisites for derogation to government of special powers are discussed in IPU (2005: 23–24).

7. Innovating to function during crisis

As the coronavirus pandemic spread in 2020, an increasing number of parliaments created or expanded opportunities for the institutions to operate remotely. In this way, they reduced the risks associated with in-person meetings, while enabling the institution to continue functioning as it became increasingly difficult to obtain a quorum in many parliaments.

Often, the measures were limited to committee meetings, probably because the logistical and legal implications of full plenary meetings are considerably more complex. Although technologies for broadcast of conferences have been operational for many years, the nature of parliamentary debate is more complex, involving not only scheduled speeches but also real-time interjections, including requests to speak, interventions, points of order, dilatory motions etc. (Evans and Silk 2008). It is often difficult enough for the presiding officer to manage proceedings and keep order in person, but the challenges in virtual assemblies are even greater. While a viewer may be satisfied with watching an overview of the debate on a parliamentary television network, the presiding officer needs to be able to see every single member, in case they have an intervention to make. For parliaments with over 500 members, this would seem to be so complex as to be almost impossible. Further, the technical requirements, including bandwidth, for near-instantaneous dialogue and debate are daunting, especially as this would need to be put in place not just at the Speaker's location (as well as supporting legal experts), but in the residence or office of every legislator across the country. While high bandwidth might be feasible in most locations in OECD countries, that would not be the case in many emerging democracies around the world.

The innovative measures parliaments have taken to enable continued functioning were evolving daily during March and April 2020. The examples provided offer a range of innovations introduced by parliaments early in the coronavirus pandemic. The Centre for Innovation in Parliaments, an initiative of

the Inter-Parliamentary Union that partners with and is supported by INTER PARES through EU funding, maintains a regularly updated page on parliamentary actions in response to the pandemic (IPU 2020b).

Brazil was an early mover in introducing new procedures enabling virtual meetings (Globo Extra 2020). Both the Chamber of Deputies (the lower house) and the Senate (the upper house) passed changes to their rules of procedure enabling remote functioning using videoconferencing technology during the period of the coronavirus crisis—but scheduled to end once health authorities certified that normal in-person proceedings could resume.

The Chamber of Deputies passed a resolution that allowed remote working (Resolution 11/2020; Brazilian Chamber of Deputies 2020). The resolution established:

1. A System of Remote Deliberation (SRD) for the discussion and voting of matters addressed by the plenary, by means of a technological solution that substitutes the physical presence of MPs.
2. The SRD is an exceptional measure to allow the continuous functioning of the Chamber through the emergency.

The Senate resolution went further, permitting not only plenary meetings but also committee meetings to be held virtually. On 20 March 2020, the Senate held what may be the first full virtual parliamentary session in the world. The session was broadcast on YouTube, with the public having the opportunity to submit comments.

A second Senate session was held on 24 March 2020, in which a proposition for clearing tax debts was discussed (Brazilian Senate 2020). The Senate has also released an app, which allows Senators to log into and participate virtually.

Figure 4. Brazilian Senate meeting remotely on 20 March 2020



Source: Brazilian Senate 2020 (screenshot from video), <<https://www12.senado.leg.br/tv/plenario-e-comissoes/plenario/2020/03/sessao-deliberativa-estado-de-calamidade-publica-nacional>>.

Romania was also an early innovator. Parliament made changes to its internal regulations to permit remote sessions in times of crisis—including but not restricted to the pandemic (Government of Romania 2020)—and using these procedures voted in a new government on 14 March, taking special measures to reduce the risk of infection:

. . . individual hearings for a number of cabinet members were carried out via video conferencing, while in the parliamentary chamber the country’s MPs and senators—many wearing surgical masks—voted over several hours in small groups.
(Turp 2020)

Figure 5. The online meeting of the Chamber of Deputies on 16 April 2020



Source: Romanian Chamber of Deputies Facebook page 2020, <<https://www.facebook.com/cameradeputatilor/photos/a.168058410059611/1326052234260217/?type=3&theater>>.

On 20 March 2020, Parliament took the virtual approach one step further, with debate and approval of a state of emergency carried out entirely digitally (*Romania Insider* 2020). The debates and interventions were transmitted through an audio teleconferencing system. Text messages were displayed in chronological order on screen to the sitting president, who arranged to make a telephone call so that the parliamentarian could make their intervention, connected with the plenary room and transmitted live. MPs and Senators voted through a computer application developed internally by the IT departments of the Chamber of Deputies and the Senate.

The presidents of the two Chambers will be present in the plenary room of the Chamber of Deputies, and the exercise of the vote will be carried out through an application that will be accessible to the parliamentarians, with the username and password being individually secured and communicated to each of them by SMS. The sitting president will open the sitting of the plenary and announce the start of the electronic remote voting procedure. From this moment, for a minimum of five minutes, each parliamentarian will be able to express their voting option by pressing one of the buttons: 'YES', 'NO', 'AB' (abstention) and 'NO VOTING'. If the MP does not press any of the buttons listed above, he/she will be considered absent from that vote. . . . At the end of the vote, the text 'Voting Off' will be displayed on the screen of the voting device. After the session is over, the results of the votes cast by each member of parliament will be displayed on the websites of the Chamber of Deputies and the Senate.

(Romanian Chamber of Deputies 2020 [unofficial translation])

For the **Spanish Parliament**, the possibility of voting remotely already existed, as it had been introduced in 2012 to enable legislators who were sick or on maternity leave or similar to participate in votes (Congress of the Deputies 2012). As a result of the coronavirus pandemic, these procedures were expanded to enable remote voting for all members. The Spanish Senate met on 17 March with 259 out of 264 participants voting remotely, and just 5 voting in person. However, the process did not yet permit a debate to be held, so the plenary session was concluded in a record five minutes (Camacho 2020).

Figure 6. Spanish Senate voting remotely with five members present in the chamber, 17 March 2020



Source: Spanish Senate 2020, <http://www.senado.es/web/actividadparlamentaria/actualidad/noticias/NoticiasDetalle/index.html?id=2020_03_17_ACUERDOS_PLENO>.

The **European Parliament** met remotely to consider and approve the European Union’s emergency measures to fight the pandemic, which included immediate financial help to countries in need, sectoral help to specific industries and logistical support to ensure delivery of medical supplies where needed (European Parliament 2020a). In the morning, the European Commission presented the proposed measures, giving MEPs the chance to ask questions and respond. MEPs were at the same time sent ballots by email asking whether they approved the virtual voting system, which was foreseen by article 187 of the European Parliament Rules of Procedure, which ‘empowers the President to decide at any time that the voting operations be carried out by means of an electronic voting system’ (European Parliament 2020b). After the MEPs approved the special procedures, they had the chance to propose amendments to the emergency package of support, and then went on to vote for the whole package late in the evening. European Parliament Speaker David Sassoli noted that an employee of the European Parliament had already died from the coronavirus, but that ‘democracy cannot be suspended in the midst of such a dramatic crisis. Indeed, it is our duty, in these difficult times, to be at the service of our citizens. As legislators, we have the means, the possibility, and the duty to help’ (The President, European Parliament 2020).

The Legislative and Legal Affairs Committee of **Bahrain’s Shura Council** met remotely with the country’s Minister of Justice to discuss an impending piece of commercial legislation. The Council’s photograph in Figure 7 shows that members were even able to participate from their car:

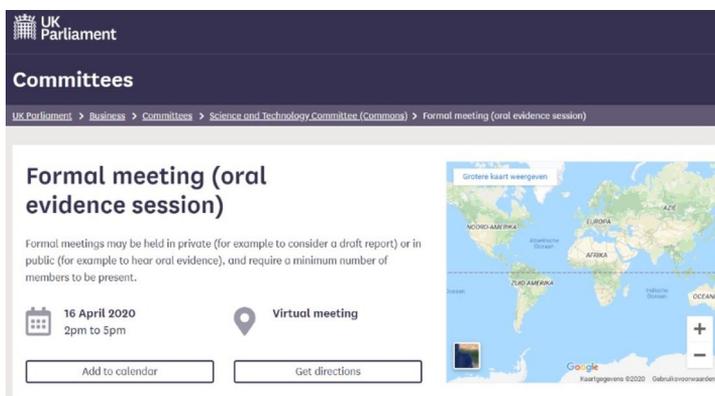
Figure 7. Bahrain’s Shura Council Legislative and Legal Affairs Committee meeting remotely with minister



Source: Kingdom of Bahrain Shura Council, Photo Gallery, 2020, <<http://www.shura.bh/en/Multimedia/Photogallery/Pages/default.aspx#>>.

In late March 2020, the **UK House of Commons** approved temporary changes to its rules of procedure proposed by its Procedures Committee, to also enable its select (oversight) committees to meet remotely, on a temporary basis until the end of June 2020. The technology used for remote meetings must be approved by the Speaker. Committee reports can be issued by the Committee chair after virtual consultation with all members. However, MPs acknowledge that technological limitations may restrict the number of witnesses that can give evidence (Bradley 2020).

Figure 8. Formal meeting (oral evidence session) on 16 April 2020



Source: UK Parliament 2020 (screenshot), <<https://committees.parliament.uk/event/788/formal-meeting-oral-evidence-session/>>.

The **New Zealand Parliament** adopted a series of special measures ‘to facilitate the activities of the House and its committees during the current epidemic’ (New Zealand House of Representatives 2020: 7). On 19 March 2020, Minister of Education Chris Hipkins introduced a government motion, which was adopted by consensus, with provisions, among others, that:

- allow select committees to hold meetings remotely through electronic means;
- allow the Business Committee, which manages the parliamentary calendar, to operate remotely;
- enable various items of parliamentary business, such as filing of notices of motions and questions to be validated by electronic rather than physical signature; and

- enable the Business Committee to waive restrictions on the number of members who can vote by proxy (New Zealand House of Representatives 2020).

The **Hellenic Parliament's** Environment Committee was the first among the parliament's committees to organize an online committee meeting with a full agenda, attended by 28 out of its 30 members (Avgerinopoulou 2020), while most standing committees have continued to meet in person, with a limited number of representatives from all political parties.

The **Finnish Parliament**, the Eduskunta, introduced special regulations that required members to be present in the legislature only when they were planning to speak; otherwise members were to follow discussions remotely from their offices (Parliament of Finland 2020d and n.d.). At the first question period after this was introduced, about a quarter of members were present (*Lapin Kansa* 2020).

On 12 March 2020, the **Norwegian Parliament**, the Storting, suspended, until 30 April, the articles in its rules of procedure that required members to be physically present at committee meetings. Members were permitted to participate remotely. The Speaker advised committee members:

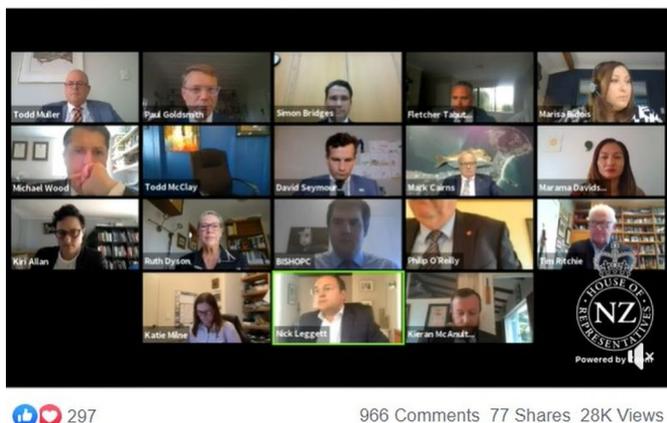
This will make it possible for the committees to carry out their duties without committee members having to attend in person. Committee members will be able to take part in meetings by means of remote technology solutions, such as telephone or Skype, or by written consideration in the committees.
(Parliament of Norway 2020b)

In addition to shifting to virtual meetings, the Storting also introduced social distancing measures for its plenary sessions. In line with many other parliaments, a special coronavirus committee was established at the Storting, made up of the Speaker and one representative of each of the nine parliamentary parties (Parliament of Norway 2020a).

Along similar lines, on 25 March 2020, the **New Zealand Parliament** set up an Epidemic Response Committee to scrutinize government management of the epidemic, and report back to the whole house. The committee planned to meet three times a week for 2.5 hours a day, by videoconference, hearing witnesses from government departments addressing the crisis, as well as experts and representatives of sectors impacted by the pandemic. The meetings were web-streamed so that the public could follow the discussions and gather unfiltered information in real time (New Zealand Parliament 2020).

Figure 9. The first Epidemic Response Committee meeting of the Parliament of New Zealand on 30 March 2020

Read more about the Epidemic Response Committee: 👉 <https://www.parliament.nz/epidemic-response/> ?
For live captioning watch here: 👉 <https://www.parliament.nz/en/watch-parliament> ?



Source: Parliament of New Zealand Facebook page, <<https://www.facebook.com/NZParliament/>>.

The **Mongolian Parliament**, the State Great Hural, adopted a hybrid approach in which members were present in five separate rooms within the parliamentary buildings, with video links between the halls, where members were sitting separated at a safe distance. Formal changes to the rules of procedure to allow plenary and committee sessions to be held on an entirely remote basis through videoconference were introduced and debated in the Standing Committee on State Structure (The State Great Hural of Mongolia 2020).

Figure 10. Discussion on deferring mortgage repayment without requiring any evidence on 15 April 2020



Source: The Parliament of Mongolia, <<http://parliament.mn/n/k5mo>>.

In **Israel**, the Shin Bet security services were given special powers to track the movement of Israelis to ensure that they were following the travel and distancing restrictions; Shin Bet's main role is normally to ensure Israel's national security. In this case, the Israeli courts intervened to require parliament to provide proper oversight of this new power. On 19 March 2020, the Israeli High Court gave the Knesset, Israel's parliament, three days to establish a new Subcommittee on Clandestine Services to oversee Shin Bet's monitoring of Israelis' movements, failing which the security service would be stripped of this new power (*Times of Israel* 2020).

In **Tunisia**, the country's parliament, the Assembly of the Representatives of the People, established a 'crisis cell', comprising the members of the bureau¹ as well as the leaders of each parliamentary group, to oversee the actions of the government, including the interpellation of relevant government ministers. The crisis cell would be in continual session, meaning that the Speaker of the Assembly could convoke an in-person or virtual meeting at any time (*L'Economiste Maghrébin* 2020a; *Mosaïque FM* 2020). Apart from establishing the crisis cell, and passing emergency powers to the government to deal with the crisis, the Assembly removed the quorum for plenary sessions, reduced time for debate, allowed the holding of committee meetings virtually and approved the holding of plenary sessions without the presence of the public (but broadcast by television). Some parliamentarians questioned the legality of these changes, which they argued de facto changed the rules of procedure without due process (*L'Economiste Maghrébin* 2020b; *Espace Manager* 2020).

Figure 11. Tunisian Parliament responds to coronavirus threat



Notes: Top left: A meeting on the consequences of the coronavirus crisis on education, 15 April 2020. Top right: Speaker Rachid Ghannouchi, presiding over the plenary session of the Tunisian Assembly of the Representatives of the People, 26 March 2020. Bottom: The Finance Committee holds a partially online hearing on 16 April 2020.

Source: Constituent Assembly of Tunisia 2020, <<http://www.arp.tn/>>.

The importance of parliamentary oversight of government actions during the coronavirus pandemic was also the subject of debate in **Switzerland**. The Federal Assembly, Switzerland's national parliament, suspended business on 15 March as the coronavirus situation worsened in the country, due to the health risks to members and staff (Swiss Parliament 2020a). During the closure of the parliament, the National Council, the country's government, enacted decrees calling up the army, limiting economic activities and imposing restrictions on public assembly. Several parliamentarians demanded that parliament meet, including through use of videotechnology. In a country where civil liberties are zealously protected, one member warned that the country was in a 'crisis mode with inevitably authoritarian features', while MP Elisabeth Schneider-Schneiter said: 'Parliament's refusal to work is dangerous' (both cited in Fluri 2020). Following these concerns, an extraordinary session of the parliament was scheduled for 4 May 2020, to be held at BERNEXPO exhibition centre, where adequate social distancing could be assured, and which would be devoted to the coronavirus crisis (Swiss Parliament 2020b).

In **Mexico**, both houses of parliament suspended business in March 2020, as the coronavirus situation worsened in the country. The lower house, the Chamber of Deputies, concluded business on 20 March, putting in place a permanent committee made up of cross-party representation, which could take on parliamentary functions in the event that the Chamber could not meet again before its planned recess of 30 April 2020; normally such a permanent committee oversees parliamentary responsibilities during a standard inter-session recess (Mexican Chamber of Deputies 2020). The suspension of business required, and received, the approval of the Senate. Chamber committees were to continue work, preferably remotely, which was already permitted under the rules of procedure.

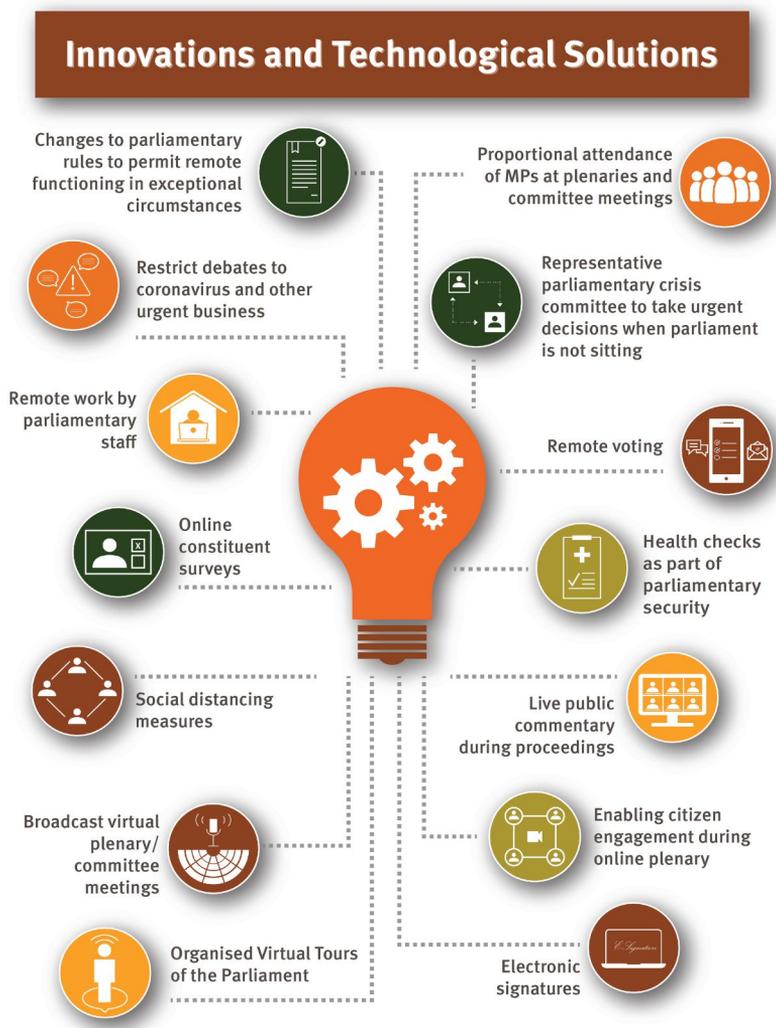
The Mexican Senate followed a similar process of temporary suspension of business a few days after the Chamber of Deputies. The Senate also announced that its managing body, the Mesa, ‘will design and propose a constitutional, legal and regulatory reform for the use of technological tools in conducting virtual commissions and sessions’. The opposition party National Action Party (PAN) argued that virtual sessions can be held without constitutional amendment (Vargas 2020).

By the end of March 2020, the **US Congress** was continuing to resist shifting to virtual meetings. This was despite a controversy in which a dissident member of the House of Representatives required many House members to return to Washington at some personal health risk to ensure passage of a USD 2.2 trillion package of economic and other measures, even though it was clear that these measures enjoyed overwhelming bipartisan support (Forgey 2020).

Democratic Representative Eric Swalwell has introduced a resolution to enable the House to function remotely in each of the past four sessions of the House since 2013 (Bright 2020). On 9 March 2020, Swalwell and Republican Rick Crawford reintroduced the resolution, with Swalwell noting:

Members and invited witnesses [would] be allowed to participate in committee hearings remotely, and this participation would count toward rules on quorum. It also would mandate the development of a secure remote voting system which Members could use to vote remotely on suspension bills, generally non-controversial bills that require a two-thirds vote to pass.
(Swalwell 2020)

Democrat House Speaker Nancy Pelosi responded to the proposition of remote working with: ‘We are the captains of the ship. We are the last to leave’ (*The Hill* 2020a), highlighting the knife-edge that legislators must traverse between personal safety and setting a good example to citizens on the one hand, and the importance of showing leadership on the other.



Endnotes

1. Management body of the Assemblée, comprised of the President (Speaker), First and Second Vice-President, and 11 ‘assesseurs’, members of parliament responsible for different aspects of parliament’s functioning.

8. Enabling virtual functioning—legal and constitutional issues

One issue faced by a number of parliaments in introducing innovations to operate remotely, including holding plenary and committee meetings and taking parliamentary votes, is the legal and constitutional validity of such steps.

Many countries' constitutions and laws restrict the right of parliamentarians to vote by proxy, on the basis that the mandate of parliamentarians should be individual; indeed, where there are no strict limits on proxy voting, this can lead to party barons effectively holding the votes of an entire parliamentary group. In recent years, there have been moves in a number of parliaments to permit proxy voting in certain situations, to avoid circumstances where members who are sick or on maternity leave are forced to risk their health to attend close votes. The UK House of Commons introduced a limited pilot proxy voting system in 2019 for MPs expecting or recently having given birth, after a number of years of campaigning, particularly by female MPs (UK Parliament 2019).

In other parliaments, non-personal voting has been the subject of scandals, where MPs have been found voting for one or more of their absent colleagues—so-called piano voting (European Parliament 2016: 35). In Ukraine in 2019, after scandals dating back many years, parliament criminalized the practice, which is often associated with wider corruption, such as vote buying by oligarchic interests (UNIAN 2019). Improper non-personal voting is not restricted to emerging democracies; in the Irish Dáil Éireann, the lower house of parliament, a number of parliamentarians were caught voting for absent colleagues during 2019, leading to an enquiry headed by the Clerk of Parliament. It became clear that a significant number of legislators from different political parties had voted for absent colleagues over a period of time (Independent.ie 2019).

These questions about the legitimacy of systems of non-personal voting have led a number of countries to include in parliament's internal rules, in legislation and/or in constitutional texts, provisions that require the personal attendance of members, whether at sessions or, in particular, at votes. While parliamentary regulations and even primary legislation can normally be changed quite rapidly where needed, changing constitutional texts typically entails an onerous and often lengthy process, including even the necessity of a popular referendum (difficult or even impossible during a public health emergency).

As parliaments have moved to permit virtual attendance and virtual casting of parliamentary votes, there have been debates about whether 'virtual' presence complies with constitutional wording which often requires 'presence'. The rules of procedure of the Polish Sejm, parliament's lower house, did not permit virtual meetings. The Polish Constitution permits suspension of normal legal processes in a state of emergency; however, Poland has not formally established a state of emergency. On 26 March 2020, the Sejm voted in changes to the parliamentary rules permitting virtual sessions and virtual voting. The opposition criticized the move as a 'gross violation of parliamentary rules and the constitution' (*Warsaw Business Journal* 2020).

In Ukraine, at least three members of Verkhovna Rada, the parliament, tested positive for the coronavirus by late March 2020 (Myroniuk 2020). Parliament changed its schedule so that it would not be meeting again until early April (Sorokin 2020a). However, the coronavirus crisis was peaking at the same moment that parliament was considering two historically important pieces of legislation whose passage was tied to receipt of International Monetary Fund funds needed to shore up the country's economy, which has been weakened by a Russian-sponsored war in eastern Ukraine, and by corruption and mismanagement. One piece of urgent legislation involved the country's largest bank, which was taken into state ownership when its loan portfolio was discovered to be primarily made up of insider deals, while the other legalized the private sale of land, which was an election commitment by President Zelensky when elected in 2019. Therefore, simply suspending parliamentary business, as occurred in Switzerland (see above) and the UK, was not a possibility; President Zelensky insisted that members meet to debate the two crucial pieces of legislation, and an extraordinary session was scheduled for 30 March 2020.

On 20 March, Ruslan Stefanchuk, the Deputy Speaker of the Verkhovna Rada, submitted a draft law that would enable the plenary to meet through videoconference for the next 60 days. The Speaker, initiators of legislation and the relevant committee chairs would be present in person. When voting, members participating virtually would announce themselves personally, and present their official accreditation before being allowed to vote. This provoked some criticism. Ukrainian political commentator Vitaly Bala claimed that the measure was unconstitutional, and that, 'Lawmakers want factories and crucial enterprises to

keep working, yet they themselves want to work from home’. Government MP Maryna Bardina stated her preference for MPs to attend the session in person, stating that ‘Lawmakers may wear masks and protective suits’. However, she felt that the virtual session measure was not unconstitutional. Nevertheless, Ukraine’s Constitutional Court had interpreted the meaning of voting in person in 1998, and she felt that it was important for the matter to be referred again to the Court for an updated ruling (Sorokin 2020b).

Figure 12. Ukrainian lawmakers vote to legalize land sales, 31 March 2020, while President Zelensky looks on



Source: Presidential Press Service, <<https://www.president.gov.ua/en/news/pryzident-zaklikav-parlamentariv-pidtrimati-zakonoproekti-ne-60385>>.

In the event, the emergency session on the two major bills went ahead on 30 March and 31 March 2020, with MPs present in person. Both bills were approved in the two required readings, to be passed for signature by the President.

By the end of March 2020, the only country to have made a constitutional change during the pandemic in order to permit virtual parliamentary decision-making was Chile. The constitutional reform, valid for a period of one year from its adoption on 24 March 2020, added a new article to the Constitution, stating:

For a period of one year from the publication of this reform, the Chamber of Deputies and the Senate may function through telecommunication once a health quarantine or a state of constitutional exception due to public calamity that represents a serious risk to health or life of the inhabitants of the country or

one or more regions, that prevents them from meeting, totally or partially, has been declared and while this impediment subsists.

For this, the agreement of the Committees that represent two thirds of the members of the respective chamber will be required. They may meet, vote on bills and constitutional reform and exercise their exclusive powers. The telecommunications procedure must ensure that the vote of the parliamentarians is personal, justified, and cannot be delegated.

(Chilean Chamber of Members and Members 2020 [unofficial translation])

On 24 March, the Education and Culture Committee of the Chilean Senate held the first virtual meeting under the new provision, in which the agenda included study of the Education Ministry's plans to continue schooling virtually for the 3.5 million students whose physical classes had been suspended, and nomination of two new directors of the National Television Network. The chairperson of the committee, along with the minister and a small number of other members and officials, were present in person; other members joined online (Senate of Chile 2020).

Figure 13. Education Committee of the Chilean Senate meetings



Notes: Top: Education Committee of the Chilean Senate meeting with virtual participation, 24 March 2020. Bottom: Are the measures for opening schools in place? Experts and senators evaluate scenarios on 13 April 2020.

Source: Senate of Chile, <<https://www.senado.cl/>>.

9. Functioning during crisis—not a new phenomenon for parliaments

Parliaments have regularly been required to function during times of crisis, whether war, natural disaster or epidemic. During World War II, for example, the UK Parliament continued to meet, although the House of Commons (the lower house) chamber was destroyed by bombs on the night of 10 and 11 May 1941. From that point, until the chamber was restored in 1950, the Commons was forced to meet in the chamber normally used by the House of Lords (the upper house), while the House of Lords met in the former Robing Chamber (UK Parliament n.d.).

A number of parliaments have continued to sit in exile for many years, when their home country has been invaded and occupied. Tibet, occupied by the People's Republic of China since 1950, has a parliament in exile, the Parliament of the Central Tibetan Administration, which sits in Dharamshala, India (Tibetan Parliament in Exile 2019a). The 45-member parliament is democratically elected by the large community of Tibetans living in exile, according to their home regions, with additional representation for the different schools of Tibetan Buddhism, as well as representatives of Tibetan communities in Europe, Australasia and North America (Tibetan Parliament in Exile 2019b). Since 2011, there have been multi-party elections for the parliament (Lundsgaard 2011). Although MPs attempt to stay in contact with their home communities in Tibet in order to represent citizens' interests, in practice the exiled parliament's influence on the ground in Tibet is limited.

All three of the Baltic republics of Estonia, Latvia and Lithuania that were absorbed by the Soviet Union after World War II attempted to maintain governance institutions including parliaments during their exile, until the success of their campaigns for independence, shortly before the Soviet Union itself

collapsed in 1991 (Deksnis 2016). Of the three occupied republics, the Supreme Committee for the Liberation of Lithuania, which asserted its continuity with the former parliament of Lithuania (the Seimas), continued to function as both a parliament and cabinet in exile, until Lithuania re-established its independence in 1990, and the Seimas was restored on Lithuanian soil in Vilnius (Blaževičius 2004).

Democratic parliaments were in place in many countries during the Spanish flu pandemic that began in 1918. The New Zealand and Australian parliaments state that both parliaments continued interrupted through the pandemic (Van Onselen 2020), although there is no information on any special measures that they may have taken to make their work safer.

The British Parliament continued to sit during the Spanish flu pandemic, and played an oversight role by questioning the government on the measures it was taking to combat the spread of the flu. The questions asked then raise very similar issues to those raised during the 2019–2020 coronavirus pandemic; what steps were being taken to deal with an outbreak in military barracks, and whether schools should be closed down to slow the disease:

Mr. Rowntree asked the President of the Board of Education whether, in view of the continued spread of influenza, he will state what is the view of the Medical Department of the Board regarding the advisability of closing schools at the first appearance of influenza in the school; and whether he thinks it desirable to issue some general advice as to what steps can be taken to prevent the spread of infection through the association of so many children?

(Hansard 1918)

Records of how the US Congress functioned through the Spanish flu pandemic are also redolent of the challenges faced by parliaments during the coronavirus pandemic a century later. Congress continued sitting during the peak of the Spanish flu pandemic in the last quarter of 1918. However, steps were taken to reduce transmission. The House of Representatives (lower house), for example, closed its public galleries, voting to do so after the galleries had been closed. Many Representatives fell sick. The number of sessions was reduced to the minimum.

Figure 14. The Spanish flu pandemic of 1918



Source: National Archives, <<https://catalog.archives.gov/id/45499339>>, accessed 20 April 2020.

Note: Policemen in Seattle, Washington, wearing masks made by the Seattle Chapter of the Red Cross during the influenza epidemic.

A special session of the House of Representatives was held on 14 October 1918 to establish a Public Health Service corps to enlist military medics to be deployed around the country to help overburdened doctors in the current and future emergencies. The measure initially failed because one member called for a quorum count, and it was revealed that fewer than the requisite 251 members were present. However, an informal agreement was reached between members to consider the measure again the next day without testing quorum. The measure was passed by unanimous consent in a House with fewer than 50 members present, despite the grumbling of some Representatives about the inquorate proceedings (United States House of Representatives 1918).

10. Learning from previous crises—an important role of parliaments

One area in which many governments and parliaments appear to have weaknesses, is in accumulating and consolidating lessons from similar previous disasters, and applying them in current or future disasters. In the case of the SARS epidemic of 2003, a survey of effective control measures noted:

. . . careful adherence to basic public health and infection-control measures—such as source containment, case management, contact investigation, infection control at health care facilities, and community containment—led to the global control of a snowballing epidemic within four months, despite the lack of a rapid diagnostic test, a vaccine, and an effective therapy.
(Weinstein 2004: 2334)

Given the very diverse responses of governments to the coronavirus pandemic of 2019–2020, it appears that either there was not consensus on the lessons from the SARS epidemic, or decision-makers did not base their decisions on previous experience. However, a review of the jurisdictions that most quickly and effectively controlled early outbreaks of coronavirus, such as South Korea, Taiwan and Hong Kong, suggests that they largely followed the approach described above.

While there is an understandable tendency to defer to experts, in any complex crisis the perspectives of experts will vary, especially when called upon to respond to a new threat for which there is no exact previous example to follow, as was the case with the coronavirus. Further, scientific communities are subject to the same phenomena of dominant thinking as other social groups. The mid-20th-century

biologist and philosopher of science Ludwik Fleck¹ noted that the success of particular scientific approaches (in this case, to disease) was dependent not so much on the efficacy of the approach but rather on the strength of what he called the ‘thought collective’ of scientists who associated with a particular perspective (Fleck 2012).

Therefore, even for complex scientific questions such as the best response to a pandemic, it is important for different grounded perspectives to be aired and to be considered; this is not a question of supporting ‘quackery’ or ‘fake news’. Parliaments, whose oversight role involves an external review of government plans and actions, provide the forum where alternative perspectives can be considered in an organized and structured way, and where decisions can be taken that are binding on government.

Canada: Effectiveness of crisis planning

One example of parliament reviewing the effectiveness of crisis planning, and therefore working towards better responses to a future crisis, comes from Canada. In 2004, the Canadian Government developed a Pandemic Influenza Plan (PIP) in light of the SARS epidemic of 2003–2004 (Webster 2004). In 2009, the H₁N₁ influenza pandemic also affected Canada. In the aftermath of the pandemic, the Canadian Senate conducted an enquiry into how effective the PIP had been. The Senate report was tabled in December 2010. Overall, the Senate found that Canada’s response had been successful, and that the PIP had enabled the impact of the virus to be reduced. At the same time, the report warned that if H₁N₁ had been more infectious, and/or if a larger proportion of the population had been affected, Canada’s health infrastructure could have been overwhelmed (Norris 2010).

Endnotes

1. Fleck made a major contribution to the treatment of typhus while deported by the Nazis to the Jewish ghetto of Lviv (now in Ukraine). See Weisz and Grzybowski (2011).

11. Parliaments and disaster planning

There are international agreements and protocols for disaster risk management, notably the UN's Sendai Framework discussed in the box below. The framework was designed primarily to deal with 'material' natural disasters, such as earthquakes, cyclones and tsunamis, rather than epidemiological disasters. However, in recent years the UN agency responsible for disaster risk management, the United Nations Office for Disaster Risk Reduction (UNDRR), has focused more attention on pandemic disasters, including the coronavirus pandemic. Once disaster risk reduction strategies are in place at the national level, parliaments have a crucial role in overseeing them, to make sure they are 'battle-ready', and that governments can answer difficult questions about possible scenarios.

The Sendai Framework for Disaster Risk Reduction

The Sendai Framework (United Nations 2015), adopted in 2015, is a global voluntary agreement on a common approach to disaster risk management. Sendai's goal is to prevent new and reduce existing disaster risks.

Coordinated through the United Nations Office for Disaster Risk Reduction (UNDRR), Sendai establishes a framework to plan for and address disaster. Sendai is based on four fundamental principles: (a) understanding disaster risk; (b) strengthening disaster risk governance to manage disaster risk; (c) investing in disaster risk reduction for resilience; and (d) enhancing disaster preparedness for effective response (United Nations 2015: 14).

The Sendai Framework for Disaster Risk Reduction (cont.)

Parliaments have an important role to play in ensuring effective disaster risk management. According to Sendai, parliaments should:

- be responsible for the development, amendment, and vote of disaster planning legislation;
- ensure that budgets are allocated for disaster planning and disaster response;
- scrutinize and ensure public debate on government disaster planning; and
- coordinate international efforts through the Inter-Parliamentary Union to foster best practices in legislation and oversight for disaster planning.

Originally focused mainly on ‘material’ natural disasters, such as earthquakes, floods, tornados and cyclones, in the past decade UNDRR has become active in addressing epidemics, including the swine flu outbreak of 2009 (UN ISDR 2009: 37–38) and the Ebola and Zika crises in 2014–2016. In 2015, UNDRR, in conjunction with the World Health Organization (WHO), organized the International Conference on the Implementation of the Health Aspects of Sendai Framework for Disaster Risk Reduction 2015–2030, hosted by the Thai Government, which focused on both the health implications of ‘material’ disasters and the risk of pandemics. One of the actions agreed at the Bangkok meeting was to ‘strengthen the integration of biological hazards, including epidemics, pandemics, and diseases at the human-animal-ecosystem interface, into all-hazards multisectoral disaster risk management’ (UNDRR 2016).

The primary global organization responsible for pandemic planning is WHO. The UK Parliament, in its review of the international response to the Ebola epidemic of 2014, argued that WHO did not provide early leadership and concluded that, ‘There must be a fully functioning early warning system to respond to international public health emergencies’ (UK Parliament 2016).¹

As it is a voluntary agreement, countries can choose how to engage with the Sendai Framework for Disaster Risk Reduction. Those countries that do engage with Sendai tend to be ones that are regularly impacted by natural disasters, with Japan taking a leading role in both organizing and funding the system. Pacific Island countries, which are particularly exposed to a variety of natural disasters, and which are also vulnerable to climate change, have taken disaster planning seriously, including engagement of parliaments.

As a country faced with a number of natural disaster risks, including cyclones (hurricanes), tsunamis and earthquakes, Fiji maintains an updated disaster risk management plan (see, for example, Government of Fiji 2017), which it subjects to regular external scrutiny through UNDRR (2019). The Parliament of Fiji

carries out rigorous oversight of government disaster planning, including interpellation of the responsible minister. At its 5 September 2019 sitting, the Parliament of Fiji invited the minister responsible for disaster management, Jone Usamate, to give a detailed account of his ministry's planning. In turn, the minister was subjected to vigorous and pointed questioning by parliamentarians (Parliament of the Republic of Fiji 2019). Such an approach is an example that many other parliaments are likely to follow in light of the coronavirus pandemic.

Endnotes

1. Note that parliaments are not mentioned in WHO's 2018 guidebook on pandemic planning (WHO 2018).

12. Planning for the unforeseeable? Looking at the big picture

It is natural for institutions to focus their disaster planning around the kinds of crises that have already occurred. This makes sense, for example, in the case of a pandemic, when it is well known that future pandemics are possible or even likely or inevitable. Similarly, parliaments located in areas subject to earthquakes or cyclones plan for the risk of future earthquakes or cyclones, both to represent the needs of citizens and to protect the members and staff of the parliament itself. Parliaments in countries known to be at risk of war and invasion will naturally have measures in place to continue functioning, in the event that hostilities break out.

A more difficult responsibility is to plan for the unpredictable, as it isn't possible to know the nature of an unexpected crisis and therefore what plans would be effective to avoid or mitigate the disaster. Thinking and planning for the unknowable might seem like an armchair exercise. What it means, however, is looking more deeply into the interrelationship between humans and our environment, so that we can take measures to forestall potentially catastrophic consequences in the medium and longer term. Growing concerns around climate change in recent years have focused attention on the need to explore the longer-term impacts and implications of human activity, including issues such as the relationships between globalization and health. Parliaments are well suited to hosting and fostering this kind of debate, because they reflect the diversity of societies and of opinions and interests.

To what extent are global-level threats emerging as a result of the nature of modern society? Conceptualizing at such a meta-scale is beyond the scope of this Primer; however, such questions arise in the context of rapid global warming and numerous disasters attributed to climate change, and in the aftermath of a

pandemic. In relation to the pandemic threat, Stanford University biologists Paul and Ann Ehrlich (2013: 3–4) note that there is a ‘prospect of epidemics being enhanced by rapid population growth in immune-weakened societies, increased contact with animal reservoirs, highspeed transport and the misuse of antibiotics’.

Former New Zealand Member of Parliament Kennedy Graham, who now heads the New Zealand Centre for Global Studies, argues that the coronavirus pandemic is differentiated from previous health disasters because (Graham 2020):

1. It has rapidly affected the entire human population because of both increased population density and greatly increased mobility.
2. It has occurred when much of the world’s population has access to instantaneous information and is thus following its trajectory in real time.

Graham argues that the crisis will have short- (1 year), medium- (10-year) and long-term (25-year) impacts:

1. In the short term, personal health and financial concerns will predominate.
2. In the medium term, whether the global economy will recover and resolve economic fall-out, as well as the impact of lockdown—will it be remembered as a short-term break from 21st-century life, or as a call to change the trajectory of modern society?
3. In the long term, whether the international system effectively dealt with the pandemic or if new systems and structures are required, and whether global sustainability and global health are intertwined and need to be taken into account as a fundamental factor in governance.

Where in the past these questions may have seemed the subject of academic study or futurist speculation, Graham believes that the pandemic has put them on the policy agenda. Parliaments need not only to address short-term issues, but to provide a forum for discussion—and decision-making—on these more fundamental longer-term questions.

It is inevitable that, in the aftermath of the coronavirus pandemic, some of these big-picture questions will be asked, and that parliaments will convene special committees in order to study pandemic and other threats to human life, as well as their possible mitigation or avoidance through deeper changes in social and economic organization. This is an important role for democratic parliaments to play, because they bring together the diversity of the population in a legitimate forum of elected representatives. Unlike governments, parliaments do not, per se, have a particular record to defend. Often, where they are present, upper houses have taken a lead in exploring, in a constructive way, the big challenges facing

society, including issues such as pandemics. The example of the Canadian Senate's enquiry into the effectiveness of Canada's pandemic readiness planning, discussed above, is a good example (see Webster 2004).

Because the causes of, and solutions to, the current pandemic and future disasters are transnational, it will also be important for parliaments to learn from each other how they addressed the coronavirus crisis, and put together lessons learned for future planning. The INTER PARES project, which is built around partnerships between European Union Member State parliaments and partner parliaments around the world, will help to facilitate such discussions.

Are societal disasters 'normal accidents' and, if so, what can be done to mitigate damage?

The organizational sociologist Charles Perrow developed the theory of 'normal accidents' (Perrow 1984). Perrow argues that accidents are inevitable in highly complex and closely integrated technological systems, such as nuclear power plants. His work was originally published shortly before the Bhopal chemical disaster of 1984, and the Chernobyl nuclear accident of 1986. Perrow's proposition is that accidents are very likely to occur and can have devastating effects when systems are so complex and integrated that they depend on thousands or millions of interconnecting processes. If an error occurs in one element, the causal sequence can lead to total system failure, with the disastrous results seen at Bhopal and Chernobyl.¹

In more recent years, Perrow developed a specific interest in the environment and climate change, taking the same principles that he had applied to complex technologies and applying them to the results of highly complex overall social and economic organization (Perrow and Pulver 2015). He argued that the concentration of populations, dependence on centralized intensive transportation and supply networks, and placement of dangerous industries near one another create the risk of 'normal accidents' on a societal scale (Perrow 2011). Essentially, Perrow argues that the way in which the global economy is organized both makes disasters more likely and makes them worse when they occur.² Applied to the coronavirus pandemic, Perrow's theory would highlight the prevalence of outbreaks in densely populated urban areas, and the close integration of the global economy, leading to high levels of mobility that accelerated international transmission of the disease.

Are societal disasters ‘normal accidents’ and, if so, what can be done to mitigate damage? (cont.)

A related argument is made by Ulrich Beck (1992) and Anthony Giddens (1990), developers of the concept of the ‘risk society’. Whereas existential threats to earlier societies were primarily the result of phenomena outside human control or causation—the Ice Age and other ‘natural disasters’—humans in modern society are typically the cause of disasters. Giddens describes this as ‘manufactured risks’, which include the effects of pollution and climate change, and the advent and rapid spread of new diseases.

Endnotes

1. The Bhopal disaster involved the leak of 40 tonnes of methyl isocyanate gas from Union Carbide’s Bhopal plant, killing between 3,000 and 16,000 people and injuring over 500,000. See Broughton (2005).
2. See, as an applied example of Perrow’s argument, Prudham 2004.

13. Conclusions

This Primer has aimed to provide a brief but comprehensive guide to the roles that parliaments can play, have played and should be playing, before, during and after crises. The focus of the Primer—and the majority of examples cited—has been the coronavirus pandemic of 2019–2020, which is still ravaging the world as the publication was finalized. However, the aim has been to put the crisis in a broader context that can be useful to parliaments during and beyond the current crisis, and, in particular, when putting in place mechanisms and practices that can help parliaments to plan for and navigate future crises more quickly and adeptly.

The overriding message of this Primer is that effective parliamentary engagement in governance during a crisis is not only essential for preserving democratic practices and institutions, but is also necessary to ensure the best possible outcome. The Primer shows clearly that, where parliaments have been closely engaged in designing and negotiating responses to crises, the results have been both better overall, and more inclusive of all the needs of citizens.

The role of parliament in setting the parameters of special powers granted to government, and establishing systems of proper oversight, is equally crucial. Where parliaments have ensured that citizens' needs and concerns, and human rights principles, are taken into consideration in the definitions and implementation of special powers, not only are the risks of longer-term erosions of rights mitigated, but citizen compliance with necessary restrictions is secured willingly with very few exceptions.

The Primer documents many varied steps that parliaments have taken in order to continue functioning effectively while setting an example of good public health practices, and protecting parliamentarians, staff and the public. Often, innovative solutions involve the use of remote meeting technologies. Although online parliamentary deliberations are in their infancy, the pandemic impelled the development of solutions, to the extent that several parliaments carried out full

plenary sessions and votes remotely. Each day, new approaches are implemented, and these will be documented in updated versions of this Primer.

The Primer presents many examples of different technological approaches to remote functioning. While most parliaments have had to innovate on their own during the coronavirus pandemic, doubtless numerous collaborative efforts will be launched in the near future, particularly through programmes such as the Centre for Innovation in Parliament, part of the Inter-Parliamentary Union, which the EU-funded INTER PARES project is pleased to support. One aspect that should not be forgotten in the development of technological solutions is the need for effective security; the temporary video-meeting systems set up during the pandemic often used commercial software known to have security weaknesses.

One issue that hampered the development of technological solutions during the pandemic was legal and constitutional restrictions on virtual parliamentary sessions and voting. Where provisions could be introduced by changes to internal regulations of parliaments, or even ordinary laws, parliaments could act quickly to implement virtual meetings. Where constitutions required personal presence at parliamentary sessions, parliaments were forced to choose between rejecting virtual plans and leaving MPs to attend in person at risk to health, suspending sessions and abdicating parliament's constitutional role, or seeking to interpret the meaning of personal to include online 'presence'. Only one country, Chile, was found to have actually changed the national constitution to enable virtual parliamentary meetings during the crisis. It will be important in planning for such situations in the future to ensure that constitutions permit parliamentary business to be carried out virtually, albeit—crucially—with a clear regulatory framework and adequate security measures to ensure the integrity of the process.

A solution to the issues involved in organizing large plenary meetings is for representative committees of parliament to assume some specific roles during a crisis, along the lines of how parliaments often function during parliamentary recesses. Some examples are described in the Primer. While this is not a solution enabling full parliamentary functioning, the logistics of organizing effective meetings are considerably less onerous for committees with at most a few dozen members, compared with plenary sessions where several hundred legislators are present.

One potentially positive outcome of the technological solutions to the crisis was the integration of citizen input and feedback into parliamentary proceedings, as seen in the Brazilian Senate. While such opportunities need to be carefully designed to ensure that they are not hijacked by those intent on disrupting or discrediting democratic debate, the potential for bringing parliaments closer to citizens is real.

The 2019–2020 pandemic crisis has revealed that, in many cases, state planning for such a crisis was inadequate, despite it being well known that such a crisis was possible. Parliaments will have an important role in reviewing how and

why planning often fell short, and of course in showcasing and learning from best practices. In general, it seems clear that a more consistent disaster planning mechanism is needed, and that parliaments need to consistently carry out oversight of such plans. The example of countries, particularly in the Pacific region, that have faced regular natural disasters and put in place proper planning systems, including parliamentary oversight, needs to be studied and followed.

Finally, the longer-term ‘big questions’, concerning whether the globalized and complex, integrated nature of contemporary human civilization is imperilling not only the climate but also health, need to be considered, and parliaments again should be the location for such national and transnational debates. While governments are responsible for executing policy decisions, parliaments, made up of elected representatives, are the central forum for policy debate, and the negotiation and legislation of decisions about future directions, including the proposals that national governments will bring forward to the international arena. Increasingly, it is clear that the horizon of future decisions needs to be extended to the kind of planet and civilization that future generations will inhabit.

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Acknowledgements

The author of this Primer would like to thank the many people who provided insights and reviewed various drafts. Special thanks for research support from Laura Mancilla. Thanks are also due to Gonzalo Jorro-Martinez, EU Project Manager for INTER PARES, for spurring this initiative, and to many International IDEA colleagues for providing many useful examples.

Annex

About INTER PARES

INTER PARES | Parliaments in Partnership – *EU Global Project to Strengthen the Capacity of Parliaments* aims to contribute to making democracies stronger. It is the first project of a global nature funded by the European Union and implemented by International IDEA, contributing towards strengthening the capacity of Parliaments in partner countries, by enhancing their legislative, oversight, representative, budgetary and administrative functions. Through demand-driven peer-to-peer partnerships between partner parliaments and EU Member State parliaments, the project aims to make parliaments more effective, transparent, accountable, representative and approachable.

For the European Union, support for democratic development is a key foreign policy objective and a high priority in its international and development cooperation policy. An important thrust of these efforts is to strengthen the capacity of parliaments.

Alongside peer-to-peer partnerships, the project aims to promote sustainable inter-parliamentary cooperation and develop comparative research and knowledge on practical and innovative tools on parliamentary matters.

<<http://www.inter-pares.eu>>

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About International IDEA

The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization with the mission to advance democracy worldwide, as a universal human aspiration and enabler of sustainable development. We do this by supporting the building, strengthening and safeguarding of democratic political institutions and processes at all levels. Our vision is a world in which democratic processes, actors and institutions are inclusive and accountable and deliver sustainable development to all.

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International IDEA provides analyses of global and regional democratic trends; produces comparative knowledge on democratic practices; offers technical assistance and capacity-building on reform to actors engaged in democratic processes; and convenes dialogue on issues relevant to the public debate on democracy and democracy building.

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Our headquarters are located in Stockholm, and we have regional and country offices in Africa, Asia and the Pacific, Europe, and Latin America and the Caribbean. International IDEA is a Permanent Observer to the United Nations and is accredited to European Union institutions.

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Parliaments in Crisis: Challenges and Innovations is the new Parliamentary Primer produced by the INTER PARES project, funded by the European Union and delivered by International IDEA. Written in the context of the coronavirus pandemic, the Primer looks at how democratic parliaments play a crucial role in making good decisions and protecting citizens' rights during a crisis.

The coronavirus pandemic has deeply impacted how we are governed. Democracies have had to adapt to operating under extreme time pressure, without losing the advantages of transparency, citizen voice, and effective policy feedback loops, that make democracy the most effective and just governance system.

Parliaments are the core democratic institution representing citizens throughout the policy cycle; in creating legislative rules that govern society, in ensuring that government implements legislated programmes effectively and fairly, in voting the use of taxpayers' resources to pay for government services, and in ensuring the diverse views of citizens are heard at every stage. During a crisis, parliaments must carry out the same functions, but more rapidly, and in often adverse circumstances.

This Primer focuses on particularly two aspects of parliaments' responses. First, it looks at how parliaments ensured that emergency measures considered the needs of all parts of the population, and also that any emergency government powers were both limited in time and scope, and subject to parliamentary oversight. Second, the Primer examines how parliaments implemented innovative solutions to enable virtual functioning. The Primer concludes by exploring how parliaments can play a key role in reviewing how effectively government responded to the crisis, identifying lessons to be implemented in improved crisis and disaster planning.

ISBN: 978-91-7671-307-5 (Print)

ISBN: 978-91-7671-308-2 (PDF)

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This publication has been produced with the financial support of the European Union, as part of the project 'INTER PARES | Parliaments in Partnership – *EU Global Project to Strengthen the Capacity of Parliaments*'. Its contents are the sole responsibility of International IDEA and do not necessarily reflect the views of the European Union.