

THE ROLE OF PARLIAMENTARY GROUPS

Topical discussion

1. Extract of the minutes of the Autumn Session (Buenos-Aires. October 1986)

The President (Sir Kenneth Bradshaw) said that the subject had originally been raised by Mr. Perez Serrano (Spain) who had circulated a questionnaire and received some replies, but who had been unable to continue the work as rapporteur. Dr. Macris had kindly agreed to take up the subject in the form of a topical discussion.

Dr. Macris said that when the subject had first been raised in Berlin, his country had not been represented in the Association. Nonetheless, the topic seemed to him of considerable importance. The responses to the questionnaire had not been numerous. He drew attention to the situation in Argentina as set out in his introductory note which had been circulated.

Mr. Hadjioannou (Cyprus) said that political groups were referred to in article 73 of the Constitution of Cyprus which included the right to establish political groups in parliament, for them to be represented in committees and for their spokesman to participate in debates.

Mr. Lussier (Canada) observed that political groups was less important in presidential systems of government and when the President did not have the right to dissolve parliament.

Dr. Macris said that the Argentinian political system was close to that of the United States of America in that the Executive relied on the support of parliamentary groups to get laws passed. In Argentina, the political groups worked more coherently than in the American Congress.

Mr. Lussier asked what were the powers of the party over its Members in Argentina.

Dr. Macris said that there was no written rule about sanctions which could be imposed by a party over a Member who did not follow its instructions and there had been no recent examples of anyone being expelled.

Mr. Lussier said that in Canada it was possible to have a coalition government and he wanted to know whether this was also possible in Argentina.

Dr. Macris said that whichever party won the presidential election exercised complete power. The other parties remained in opposition. The recent appeal by the President of the Republic for a national democratic convergence had not been put into effect. Nonetheless, if an important decision that had to be taken, such as changing the site of the capital city or reforming the Constitution, a consensus could merge among the political parties without that amounting to a coalition government.

Mr. Ndiaye (Senegal) asked whether the leaders of all political parties were represented on the bureau of the two Chambers, and if a Member of Parliament could rely on the support of his political group if he was subject to legal action against him.

Dr. Maoris said that the bureau of each Chamber comprised representatives of all political parties of sufficient weight. On the second point, the courts could call for the waiver of parliamentary immunity and that was a matter to be decided by the relevant Chamber. In fact the attitude of individual political groups depended on the seriousness of the alleged crime. It was more than 30 years since this problem had arisen. In 1948 the question had been raised more for political reasons than for legal ones.

Sir Kenneth Bradshaw (U.K.) commented that the words "caucus" and "group" seemed to be used in a different way in the Argentine Parliament to that in the United Kingdom. Political parties were very important in the British Parliament. At the moment the government had a majority of about 140 over all other parties. Party discipline was therefore difficult. The principal means of control over individual party Members was the offer or prospect of promotion to the government or some other form of patronage. The two largest parties were "broad churches" with various different tendencies represented within them. When moral issues were discussed, it was rare for there to be a clear view from either party. This had particularly been the case in a recent vote on the opening of shops on Sundays in England and Wales. Only recently had the Standing Orders of the House recognised the existence of parties, and this was confined to the allocation of certain days for the subject of debate to be chosen by opposition parties.

Mr. Boulton (United Kingdom) said that with respect to financial support from the state, only opposition parties received funds for their parliamentary work. The Government party relied on the resources of the civil service.

Mr. Khair (Jordan) asked how the 21 justicialist (peronist) Senators voted, given that they were divided into 3 groups.

Dr. Maoris said that they behaved in a very pragmatic fashion and generally voted as one group.

The President thanked *Dr. Macris* most warmly for having introduced the topical discussion which had proved so fruitful.

2. Introductory note for the topical discussion by *Dr. Antonio Macris*,
Parliamentary Secretary of the Senate of Argentina

I

The directing bureaux, the offices of President and Vice-President and of the Secretaries of the Chambers, the conferences of the Party leaders, the working committees and the parliamentary groups or caucuses are nowadays vital institutions in a free Parliament. Nobody in any part of the world would dispute this basic principle, in theory or practice. There is, however, still doubt about the practice. There is, however, still doubt about the function of Parliamentary groups, which are too recent for there yet to have been close assessment of their importance in the internal life of a legislative body.

In general, Parliamentary groups, which may also be called caucuses or factions, are associations of Members who represent a political party in the House or who have political connections or goals in common. They represent a section of the popular will as is expressed from time to time in elections.

Traditionally, deputies (who represent the people) and Senators (who represent the Provinces) have grouped together according to common ideology or political tendency but have always acted individually, with total freedom to interpret the principles on which their Party is based and to fulfil their electors' mandate.

However the idea has gradually taken root that in legislative proceedings "group discipline" or "party discipline" should apply. This means observing as a caucus, as one, the directions, principles and ideologies of the party, which assumes a single, absolute stance in voting in Parliament, and allows no dissent.

Any dissent is limited to within the Party group, where the issue is discussed and voted on, and the majority opinion is adopted as policy in the relevant legislative body.

The Group operates in such a way that it has become a "filter" through which every decision which affects the Party it represents has to pass.

This is not to suggest that this political structure implies a form of authoritarianism or coercion; given that all the Members who were elected on a party's programme belong to that same party, caucus or party's programmes based on the idea of solidarity or political affiliation. When an issue is discussed divergent opinions will gradually move towards a common point of agreement, which is eventually adopted by majority or unanimous vote which reflects the will and opinion of all the Members. Left aside are questions of "conscience", usually of a moral or religious nature, in which the opinion of the individual is respected.

The system described as rule by group or caucus helps to direct public opinion since conflicting votes on a particular question create confusion among the electorate who generally require a clear and unanimous stance from each party on a particular political issue.

Another issue tied closely to group discipline has to do with to whom a seat belongs. A seat, or bench, or chair, according to the terminology, is the place where a Member sits in his particular House. By tradition, Members sit together according to their party. When a Member breaks with his party, who decides that happens to his seat: the Member elected by the people or the Party in whose ranks he rose, which selected him and allowed him the honour of sitting on its benches?

The same dilemma can arise when a Member retires from a committee or another role with which his Party has charged him, and, which while it does not mean that he is forsaking or abandoning his seat, is important in that it affects the representation of the Party on the Committee or in the conference in which the Member has been acting in its name.

"Operating as a group" as a result of rule by group also raises the issue of the person or Member who speaks in the House as a representative of the group, either to express the group's unanimous opinion or to explain its position in committee

or in a leaders' conference, opinions which are finally adopted by all the members of the group.

Each group develops its own conventions, and some have internal Rules like those of the House in which it operates. Hence there is a directing bureau with a group President (or a leader or chief), several vice-presidents, legislative and administrative secretaries, and employees who are nearly always paid servants of that House. It benefits from its own budget, provided by the House but managed independently by the group's directing bureau, and enough accommodation for its purposes in the Parliament building and its annexes.

All this leads us to the conclusion that Parliamentary groups are a new feature of political law, based on official recognition in theory and practice of the political parties that they represent, which collaborate effectively in the management and guidance of the great Legislative Bodies which represent the people and the Provinces, States or Regions which form a Nation.

II

In the Argentine Republic, political parties are not explicitly recognised in the National Constitution. However the operation of parties, as parliamentary groups, has in practice been implicitly recognised for more than a hundred years. The existence of political group was officially recognised in 1895 and since 1915 the House of Deputies has assigned offices to the Parliamentary groups.

In general Members submit to rule by group and party discipline. Where there has been dissent, this has not led to sanctions at legislative level (for example by expulsion from the group or from the House), but there have been some cases of exclusion or some other sanctions within the political party.

Although there are various opinions about whether a seat belongs to the member or to the Party, this issue has not been tested in practice. Members have given up their seats without opposition or sanction from the relevant Parliamentary group. The retiring Member is replaced by whoever follows him in the official electoral list, so the Party does not lose out numerically in the House. On the other hand in the Senate a retirement can lead to the accession of a Senator of another Party, if in the meantime the political composition of the provincial legislature has changed.

1. In the Senate: the Rules do not in theory recognise the existence of political parties and parliamentary groups. In practice they have existed for many years.

At present the groups are as follows:

Radical Civic Union: 18 Senators.

Judicial Party. 21 Senators divided into three factions: Renewal 12; Orthodox 7; and 17th October Caucus 2.

Caucus Party of San Juan: 2 Senators.

Liberal Party of Corrientes: 1 Senator.

Autonomous Party of Corrientes: 1 Senator.

Popular Movement of Neuquen: 2 Senators.

Integration and Development Movement: 1 Senator.

This breakdown shows that there is nothing to prevent a parliamentary group having only one member, or the same party dividing for internal reasons into three independent groups although only in exceptional or temporary circumstances.

The other features of the operation of parliamentary groups in the Argentine Senate are as follows: each group has its own convention; their Presidents hold a weekly meeting to agree the agenda for the plenary session of the House; each group has its own staff and office space supplied by the House; each group has members in every Standing or Special Committee of the House; on foreign visits all the groups take part or take turns in doing so.

The President of the House and the Parliamentary Secretary attend the Group Presidents' meetings. Minutes are taken by the Secretary and signed by all those present.

2. In the Chamber of Deputies the situation is different since the Standing Orders lay down that.

- to join a group, Members must register "political links" and there must be a minimum of three Members, except where the political party is smaller than that, in which case its Members can act like a group.
- a group is formed when the President of the Chamber has been informed of its membership and rules, in a note signed by all its members. As a minimum, they must appoint a President to take part in the Parliamentary Business Committee.
- the Parliamentary Business Committee is formed by the Group Presidents, the President and Vice-Presidents of the House and the Legislative and Administrative Secretaries of the House, to plan the programme of business for the future or future sessions, including the issues to be discussed, and to advance practical measures regarding the running of the House: right of speech, regulation of tributes, processing Members' requests on various issues, such as precedence, efficient conduct of business, etc. Its decisions are approved by the House as a whole before they are adopted.

With regard to budget, office space, staffetc., it is as in the Senate, as described in paragraph 1.

Finally, it should be added that a Member can leave a parliamentary group by simply letting the President of the House know; that groups have complete freedom to introduce measures, including jointly with other groups where they are of like mind; and that every Member also has a right to introduce measures individually and that Members as well as groups can seek changes in the report of a Committee in part or in total. All this arises from long-standing parliamentary practice and not from written rules.

The Radical Civic Union, which is at present the party of Government, is the only Parliamentary group in the House of Deputies to have had, since 1974, internal Rules, which regulate how it is organised and run.