Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1154 (1998)[1]

Democratic functioning of national parliaments

Parliamentary Assembly

1. Parliament is the expression of the will of the people and the public interest. To fulfil this role, it performs functions which form the core of European parliamentarianism: it makes the law, establishes the rules of positive law, and sets the legal rules which govern our society; through a number of procedures, it acts as watchdog as regards the executive and, by virtue of this power, the government must command the confidence of the Chamber elected by universal suffrage.

2. Though national parliamentary systems are based around a common core, they are nevertheless differentiated by the varying ways in which they function, resulting from traditions shaped by the history of the countries in which they have taken root.

3. Paradoxically, whilst these systems are different, they all have common problems. These result from public disillusion with politics in general and unfamiliarity with the work of parliaments. In addition, this negative view is reinforced by the increasingly dominant role which government is playing to the detriment of the balance between executive and legislature on the one hand and by the role of bureaucracy on the other. Finally, within the context of representative democracy, the citizen's desire for an active share in public affairs goes well beyond simply taking part in elections.

4. Parliamentarians are elected by the people to represent their interests and aspirations and they cannot address these problems without reconsidering the functioning of parliament as an institution.

5. In the light of the debates of the seminar on the democratic functioning of parliaments which it held on 21 and 22 November 1996, the Assembly notes that:

5.1. the legitimacy of political representation cannot be reinforced unless there is a more balanced representation of men and women and more citizen participation in political decision making;

5.2. reinforcing political legitimacy will help to readjust the relationship between the executive and the legislature by improving the balance of powers;

5.3. the principle of the separation of powers is an inherent feature of the democratic institutional system;

5.4. the relationships between majority and opposition within parliaments are governed by rules and procedures which sometimes lead to malfunctions;

5.5. the confidence of voters in their representatives may be undermined, among other things, by the exaggerated influence over them wielded by their parties or political groupings, at times obliging them to take up positions which are too far removed from their election promises;

5.6. an effective legislative process, as one of the essential tasks of parliament, depends on making resources available (for example, information structures, legal services, staff) to representatives;

5.7. the functioning of parliamentary control procedures will depend on many factors: political and legal realities and their interaction, the access to and use of information, the role of the media as well as the powers and attitudes of other public bodies.

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1. Assembly debate on 20 April 1998 (9th Sitting) (see Doc. 7961, report of the Committee on Parliamentary and Public Relations, rapporteur: Mr Moser). Text adopted by the Assembly on 20 April 1998 (9th Sitting).

6. The Parliamentary Assembly believes that member parliaments should, whenever they are faced with these problems:

6.1. take control of their own agendas;

6.2. obtain means of acquiring information on an equal footing with the means at the disposal of the administration serving the government;

6.3. ensure that the functioning of parliamentary commissions of enquiry is based on certain criteria – relating to their membership and their investigating methods – which enable them to perform their tasks objectively and fairly;

6.4. give the opposition a status enabling it to play a responsible and constructive role, inter alia by being allowed to secure the setting up of a committee of enquiry and to be consulted before any decision leading to the dissolution of parliament;

6.5. put an end to, or reduce to a minimum, the simultaneous holding of offices in several elected institutions, so as to make representatives more available to their constituents and improve the efficiency of parliamentary work;

6.6. improve the electoral system:

a. by ensuring, if possible, a territorial link between parliamentarians and electors so that the latter do not find themselves faced with candidates of whom they know little or nothing;

b. by enabling electors to express a preference for candidates of their own choice;

6.7. open the way to greater citizen participation in political decision making – taking account of the promotion of women's role – through the use of various forms of referendum, according to the principles outlined in Resolution 1121 (1997);

6.8. work out guidelines which would enable elected representatives to enjoy a degree of independence thereby preventing representative democracies from lapsing into party autocracy.