

Unit 7: The Role of the Opposition

Learning Objectives The Two Sides of Parliament

After studying this unit, you should be able to:

- Understand why an opposition in a democracy, is considered a necessary part of the legislative framework;
- Understand the various ways which an opposition may be perceived by the government, the media and society;
- Appreciate the manner in which even a numerically small opposition may influence parliamentary processes;
- Understand the duties of parliamentary staff in providing the support which an opposition needs to fulfill its role.

Introduction: What does the term " Opposition" mean?

A democracy operates on the basis that there is room for choice all the way up to the selection of the government. This implies that the legislature, which makes the laws for the country, must itself provide an opportunity for various views to be heard throughout the term. These views should encompass not only those on the government benches (some of whom may want to suggest variations in procedure to those envisaged by the Ministers in the Cabinet), but also those who are opposed to the policies underlying the ways of operation. In other words, lawfully elected representatives of the people must be able to present and discuss alternative policy options even if they are not part of the government and do not have an immediate way of making their plans succeed.

Such a political grouping within a legislature is called the opposition and commonly refers to all those parties that do not constitute the government. The leader of the largest party in parliament becomes the Leader of the Opposition. That such opposition can be provided constructively without transgressing the constitution or being disloyal to the nation has been accepted by democracies for several centuries. In the United Kingdom, the term 'His Majesty's opposition' was first used by the reformist MP, John Cam Hobhouse, in the early 19th Century

and the use of the related term 'the loyal opposition', is now commonplace in many Commonwealth legislatures.

Far from disloyalty, voters now expect that their representative will play an active role in parliament whether as a government or as an opposition MP. The acceptance by society of a valid role for the opposition is in itself an important underpinning for the work of the legislature. It is equally important that the government accepts a role for the opposition, however small it may be in relation to the government, and that the media give space to the views of the opposition in their reports of the affairs of parliament.

It is worthwhile to note that especially in legislatures where representatives are elected on a first-past-the-post system, a numerically small opposition may well represent a very large proportion of voters. Whether this is the case or not, the opposition clearly has a very important role to play in a democratically elected legislature.

The Functions of the Opposition

A Member of Parliament plays several roles in the legislature, sometimes summarized as a legislator enacting laws, a representative of his or her constituents, a scrutinizer of the work of the executive, and a supporter or critic of proposals laid before the House. Members of the opposition must accept that opportunities for their work as initiators of legislation will be limited but their role as representatives is undiminished and greater burdens devolve on opposition Members than on government backbenchers in regard to scrutiny and oversight.

At the same time, the opposition has a duty to themselves and to their voters to play the role of an alternative government and indeed, the role of a government in waiting. In the more mature democracies, this is well recognized and the leader of the largest opposition party is often given access to sensitive information on the basis that he or she, as the Prime Minister in waiting, has to be ready to perform the role of running the country at comparatively short notice. The opposition has the responsibility to give attention to the continuous development of its policies and to keep these in view before parliament and the people. The major challenge for the

opposition is its need to be seen as credible in this role. In order to do that it must be as responsible, respected and united as a political party and it must create policies that are relevant to the day-to-day lives of people. Parliament provides a good forum for an effective opposition and must be used as such.

The government also has its responsibilities to the opposition. In the first instance, sufficient resources should be provided for carrying out the work of a 'loyal opposition'. There must be an adequate level of access to sources of information including those available to Ministers and their civil servants and for fair advice from parliamentary officials including parliamentary counsel or draftsmen where such persons are available. There must be some funding for publicity and for use of the media. Finally there must be recognition of the special place of the Leader of the Opposition and front-bench opposition spokespersons. It is instructive to note that, while the role of the opposition has been recognized for centuries, the payment of a salary to the Leader of the Opposition has been a practice for only a few decades even in the older parliaments.

Scrutiny and Accountability

One of the main functions of the opposition is its work in scrutinizing the operations of the executive, that is, exercising the oversight of the implementation of the law from the angle of performance and accountability and, especially, the use of the finances granted to the executive for its work. This is perhaps where an opposition can not only make a sound contribution towards the efficient running of the country but also can make its own points and demonstrate how their policies might have achieved better results.

There is a battery of mechanisms available to Members interested in scrutinizing the work of the executive. The most visible of these are questions put to the Prime Minister and Cabinet Ministers for answer in parliament. The opposition can also ask for time to debate or raise a particular issue, which will be allowed under Standing Orders and practices of most Commonwealth legislatures. Parliamentary committees involved with scrutiny provide the most extensive opportunities for the opposition. However, some MPs will regard it as a disincentive

that most of the work of committees goes unreported either because they meet in the House or because their work is less exciting to the media and to much of society than the debates in open parliament.

Oppositions sometimes feel that they should be given a majority on certain committees, especially those dealing with scrutiny. This is unrealistic as the purpose of setting up committees is not to create a majority where none exists. It must be accepted that the government was elected to rule and that the opposition's role is constructive criticism and keeping alternative policies in view.

Once again, the opposition has to be adequately resourced if its Members are to raise questions and suggest methodologies that are well researched. Otherwise they could end up wasting the time of parliament with bad effects not just for the opposition but also for democracy as a whole.

Legislation and the Opposition

A common frustration among Members of the opposition is that, while the central task of a legislature is to carry out a program of legislation, they can only play what may seem a peripheral part in it. The frustration lies in the perception rather than in the reality because there are various ways in which the opposition can influence legislation and help or hinder its passage through parliament.

Much of this work will depend on the ways in which the opposition whips relate to their opposition counterparts on the government benches and the relationship with the Speaker in regard to fulfilling his or her function of permitting business to proceed expeditiously, but with adequate debate. While there will be debate in committees after a bill has been presented to the House discussion behind the scenes prior to the first reading can help to ensure that the government is fully apprised of the opposition's position on the bill and is prepared to accept certain amendments.

The opposition can also present bills themselves, as can a government backbencher, under certain limited procedural conditions. However, they cannot be money bills. Only a Minister may present these in most Commonwealth parliaments. In addition, unless they are of the type that is classifiable as private bills or, related to granting a benefit to some private individual or group, and are not controversial in nature, they have very little chance of success because they are usually constricted by a time limit as much as by the lack of numerical support.

It is the duty of the opposition to make known in parliament the feelings of those sectors of society whose views may otherwise be ignored or unknown to the government.

The Opposition and Cooperation with Government

The opposition often has a difficult decision to make in regards to supporting government on a piece of legislation or in working to a consensus on a policy matter. This could be a statesmanlike approach and in the national interest, but the possibility of negative perception of such stances by civil society and the people can be damaging to the opposition. In particular important minority interests that the opposition represents may feel aggrieved or neglected if consensus is too easily reached. This may result in the opposition putting forward an alternative view even if the national interest dictates otherwise.

The opposition may have to be careful in how it presents itself in relation to particular non-governmental organizations (NGOs). These may have their own disagreements with the government and will seek to engage the opposition in their cause. If the opposition espouses the position of the NGO, this may be misunderstood by others to mean that the opposition agrees with the objectives and methods of action of the NGO. This may be far from the truth and could damage the interests of the opposition in relation to other components of society. The opposition must be willing to argue out its position with civil society and pressure groups.

In this unit we have discussed the role of the Opposition in the legislature to present a second side to the governing process. We have also discussed the various hurdles, complications, and

methods for overcoming them by the Opposition. In the next Unit we look at the role of MPs and Parliamentary Staff in the legislative process.

Unit 7 Questions

Please answer each of the following questions. If you are taking this course in a group you may then meet to discuss your answers.

1. What roles may the opposition be called upon to play in the passage of legislation initiated by the government?
2. How should the government ensure that the opposition is adequately resourced to carry out its functions?
3. Would you expect government Members in parliament to cooperate with the opposition when it chooses to exercise its right of scrutiny over the executive?
4. What assistance can the Clerk or Secretary General and the staff of parliament extend to the opposition to help it in its work?

Relevant Abbreviations

ComSec	Commonwealth Secretariat
CPA	Commonwealth Parliamentary Association

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