

Making Effective Use of Parliamentary Representation

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The representative nature of modern democracies makes the issues of parliamentary organization and functioning centrally important to our understanding of how minority interests and demands are dealt with within legislative assemblies. Parliamentary rules, norms and procedures shape the legislative decision-making process and affect accountability relations between representatives and their constituencies. While the extent to which minorities are represented in parliament is mainly determined by electoral rules and party legislation, the effectiveness of minority representation is also shaped by the character of parliamentary institutions. This chapter provides a general conceptual overview of how the institutional design of legislatures and procedural issues impact on the ability of minority representatives to contribute substantively to the legislative decision-making process.

Parliamentary practices have received considerably less amount of attention than such other legislative representation-related issues, such as electoral rules and party regulations, in documents setting international standards for the effective participation of minorities. The Lund Recommendations contain only a passing mentioning of the committee membership issue in the Explanatory Note attached to the document.¹ A slightly larger amount of attention is paid to parliamentary issues in the recent Commentary of the Advisory Committee (AC) to the Framework Convention for the Protection of National Minorities (FCNM) on the effective participation of national minorities.² In this latter document, the focus is on the functioning of special parliamentary committees established to address minority issues. At the same time, the two paragraphs that the Commentary devotes to a discussion of parliamentary practice also touch upon a number of broader themes pertaining to key aspects of legislative functioning.

This chapter explores these themes in greater detail by analysing how different features of parliamentary organization shape the effectiveness of ethnic minority representation. The chapter discusses the following key aspects of parliamentary functioning in relation to minority interests:

¹ Foundation on Inter-ethnic Relations, the Lund Recommendations on the Effective Participation of National Minorities in Public Life and Explanatory Note, The Hague, 1999, II, A, 6.

² Advisory Committee on the Framework Convention for the Protection of National Minorities, Commentary on Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs, ACFC/31DOC(2008)001, III, 3, v.

agenda setting, deliberation and accountability relations. Rules and procedures that regulate parliamentary activity in each of these areas can have a significant impact on how ethnic minority claims and demands are first articulated and then processed within the legislative arena. The section on agenda setting discusses the possibilities for minority representative participation to set the agenda of the legislature. The section examines both partisan and institutional channels that allow minority representatives to influence the law-making process. The section on deliberation explores how the use of different parliamentary arenas for debate and discussion can enhance the minority cause. The final section highlights the critical importance of transparency and monitoring for enhancing accountability relations between minority communities and their representatives in parliament.

1. Agenda Setting

Agenda setting is an overarching issue within the organization of the legislative process. It is understood here broadly as any special ability to determine which bills are considered on the floor and under what procedures. The emphasis in this definition is on special, as opposed to general, ability to influence the legislative process – the latter being expressed in the equal power of each legislator’s vote on the floor.³ Control of agenda setting powers translates into decisions about how the process of law-making in parliament should be organized and what rules and procedures should apply. These rules and procedures include provisions on how draft bills are introduced into the parliament, what stages of legislative consideration these drafts have to go through, and how decisions at each stage are made. These rules also specify how gate-keeping powers – whether to make proposals or to apply vetoes in the legislative process – are distributed among various legislative offices.

A. Partisan control of agenda setting

³ On the concept of agenda setting, see GW Cox, ‘The Organization of Democratic Legislatures’ in BR Weingast and DA Wittman (eds) *The Oxford Handbook of Political Economy* (2006).

Agenda setting is largely the domain of political parties that control the legislative majority. As long as rules and procedures affect substantive outcomes, parliamentary majorities develop preferences over alternative sets of rules and pursue strategies that enable them to implement the preferred set of rules. As they constitute legislative minorities in parliament, representatives of ethnic minority interests cannot, by definition, control agenda setting powers. It does not, however, mean that minority representatives are unable to influence both the nature of the bills considered and procedures used for this consideration.

The ability of ethnic minority representatives to influence the legislative agenda is profoundly shaped by their relation with legislative majorities. Being inside the government coalition provides these representatives with significant opportunities for influencing the legislative priorities of the coalition. When minority representatives belong to non-ethnic parties that control the legislative majority, their opportunity to impact on agenda setting is derived from working inside the legislative caucuses of these parties. The activity of minority representatives involves building intra-party coalitions in support of specific legislative procedures or substantive policy issues that are of interest to ethnic minorities. Being a representative of ethnic minority interests is understood here in substantive or policy representation terms: minority interests could be represented both by legislators who belong to a specific minority group or by those who are not themselves members of the group.

A different set of opportunities, and a different strategic situation, arises when minority representatives enter the government coalition as a distinct political force. This happens when ethnic minority parties are successful in gaining legislative representation through general or special electoral provisions; and/or when reserved seat provisions for ethnic minority representation are in place in a given political system. Constructing legislative support for minority-related issues then becomes an exercise in inter-party coalition building. The bargaining power of ethnic parties or reserved seats deputies depends in this case on their relative legislative size. When government coalitions depend on ethnic minority parties or reserved seats deputies, with the latter being treated here as distinct legislative parties, for their ability to maintain their majority status in the legislature, the bargaining power of ethnic minority representatives is

strongest. When legislative coalitions can sustain their majority status without the support of ethnic minority representatives – that is, when winning coalitions are not minimum majority-sized – the bargaining power of these representatives is significantly weaker.⁴

The chances of ethnic minority parties joining the government might be stronger than one would have expected, given their legislative weight. Political science literature on cabinet formation often expects government coalitions to be formed in a way that increases the coalition partners' share of governmental control – that is, by including into the coalition only those parties that are necessary to maintain the majority status of government. In practice, oversized government coalitions are frequently formed and ethnic minority parties can be part of these coalitions. The case of the Unity Party for Human Rights (BDN), one of the Greek minority parties in Albania, is telling in this respect. The party, which represents an ethnic group whose relative size within the country's total population is around 2 per cent, has been a part of various government coalitions since 1997 and has been consistently granted one of the cabinet ministries in each of the successive governments. Similar examples of ethnic minority parties forming part of oversized government coalitions can be found in other ethnically diverse countries in Central and Eastern Europe.⁵

When they do not form part of the government coalition, either as individual members of the legislative caucuses of non-ethnic parties or as a team of legislators elected on an ethnic party ticket, minority representatives face more difficulties in trying to influence a legislature's policy priorities and procedural rules. Their access to agenda setting issues in this case is largely determined from outside – by the legislative majority's decision over how many procedural rights should be granted to the legislative opposition. The opposition's ability to influence agenda setting is further fragmented by the multi-party character of its composition. More than one party can usually be found to share the opposition status in the vast majority of democratic legislatures.

⁴ For political science literature on government coalitions in parliament see, for example, M Laver and KA Shepsle, *Making and Breaking Governments: Cabinets and Legislatures in Parliamentary Democracies* (1996).

⁵ European Center for Minority Issues (ECMI), ECMI Dataset on Minority Representation, Flensburg.

B. Agenda setting offices

Control over agenda setting is primarily exercised through various legislative offices. Committees, directory boards and presiding offices are key types of legislative office. The names of these parliamentary bodies and their relative influence vary across legislatures, but most national assemblies have the functional equivalent of the three types of offices identified above. These offices are endowed with different combinations of negative agenda powers (the power to delay or veto the placement of bills on the plenary agenda) and positive agenda powers (the power to hasten or ensure the placement of bills on the plenary agenda). They can also have substantial control over the distribution of scarce resources such as staff and operational budgets.

Committees stand out from the system of legislative offices as the institution with the most direct relevance to ethnic minority interests. As their numerical size and subsequent legislative weight are often quite limited, the best chance minority representatives have of gaining positions in agenda setting offices is through membership of legislative committees. Committee positions not only give legislators the opportunity to influence agenda setting, but also provide them with the possibility of acquiring or deepening their policy expertise.

The importance of legislative committees for minority interests is reflected in the fact that the authors of the 2008 AC Commentary on Effective Participation of National Minorities singled out legislative committees as a central topic within the brief section on parliamentary practices. The section provides a positive assessment of the role played by specialized committees on minority issues, where such committees exist, in addressing minority issues. It also stresses the importance of the representation of minority interest on other legislative committees whose activities might have an effect on minority-related issues.⁶

⁶ Advisory Committee on the Framework Convention for the Protection of National Minorities, Commentary on Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs, ACFC/31DOC(2008)001, III, 3, v.

While the potential benefits of having a legislative committee on minority issues might be quite substantial, it is very rare that such committees function as permanent and specialized legislative offices. Parliamentary practices around the world do favour a system of permanent and specialized rather than ad hoc and general committees.⁷ However, minority issues are not usually considered as a policy area that qualifies for separate committee-level status. Minority issues are more often the responsibility of a sub-committee within a committee with a broader jurisdiction. For example, in post-communist parliaments minority issues frequently fall within the jurisdiction of committees on human rights or regional development.⁸

The strength of legislative committee powers varies considerably across political systems. The literature on the agenda setting powers of legislative offices, which was developed largely in the context of US studies, regards the committees of the US Congress and especially their chairs as very powerful legislative players who can prioritize or delay consideration of bills or their placement for the floor vote.⁹ Similar types of procedural powers have an impact on the decision-making process across different legislatures. Therefore, having an office with even the limited institutional status of a sub-committee can provide minority representatives with a modicum of procedural power.

The procedural powers of such an office are enhanced if an extensive system of committee referrals is in place in a legislature.¹⁰ Committee influence depends on whether bills actually go to the committee on their way through the legislative process. Parliamentary practice varies with regard to how frequently bills are sent for review by several committees rather than by the one identified as most relevant for the bill. The system of multiple committee referrals enhances the

⁷ For a review of the committee system in Western Europe, see I Mattson and K Strom, 'Committee Effects on Legislation' in H Doring and M Hallerberg (eds), *Patterns of Parliamentary Behaviour* (2004).

⁸ On committee structure in the early post-communist legislatures see DM Olson and P Norton, *The New Parliaments of Central and Eastern Europe* (1996).

⁹ GW Cox and MD McCubbins, *Setting the Agenda: Responsible Party Government in the US House of Representatives* (2005).

¹⁰ See on this topic, for example, Mattson and Strom, 'Committee Effects on Legislation', above note 7.

chances that different types of minority-relevant bills will be scrutinized by committees or sub-committees on minority issues.

However, the extent of committee power should not be exaggerated. Committees cannot prevent bills from entering the floor, or issue bill-related recommendations that would be binding for the floor, in either the US Congress or in the legislatures of other democratic states. Consequently, the suggestion by the 2008 AC Commentary that legislators pay appropriate attention to the recommendations of committees dealing with minority issues does not envision any mechanisms for obligatory enactment of committee recommendations. Committees are also unlikely to be especially successful in another function envisioned for them by the Commentary, namely, to foster cross-partisan consensus on minority-related issues. As one recent comprehensive study of parliamentary behaviour across Western Europe indicates, there is little empirical evidence to suggest that committees can help to resolve partisan conflict.¹¹ There are few reasons to expect that the same pattern will not hold true for the special case of partisan conflict over minority issues.

Committees or sub-committees on minority issue can nevertheless be of significant benefits to both minority representatives and to legislatures at large. They serve as an important arena where deputies interested in minority issues can articulate policy proposals and conduct their political activities. They constitute one of the primary parliamentary venues for debate and discussion of minority problems. They encourage the exchange of policy ideas, knowledge acquisition, and the development of specialization which contribute to the overall strengthening of the legislature as an institution.

2. Deliberation

Deliberation is an important mechanism for political decision-making. Deliberation refers to decision-making through argumentation and involves the participation of all those affected by the decision or their representatives. Legislatures constitute one of the key public fora for

¹¹ Doring and Hallerberg, *Patterns of Parliamentary Behaviour*, above note 7.

deliberation.¹² This is, of course, true only in the case of democracies. The famous phrase of the speaker of the lower chamber of Russian parliament, who exclaimed in a moment of irritation in December 2003 that “parliament is not a place for discussion”, can symbolize the approach of semi-democratic and non-democratic regimes to the work of representative assemblies.¹³

The irony in the operation of democratic legislatures is that they function under constant time pressure, which imposes serious constraints on legislators’ ability to discuss and debate. The scarcity of plenary time as a cause of procedural rules limiting ordinary legislators’ powers and creating inequalities among them is a key topic in rational choice-based discussions of legislative organization.¹⁴ Legislative debates and deliberations nevertheless constitute a uniform feature of parliamentary institutions; the analytical content and properties of these debates is increasingly a subject of thorough and detailed empirical investigation.¹⁵

The interests of ethnic minority communities are greatly served when minority representatives take full advantage of opportunities presented by legislative debate. The utility of these debates for minority representatives stems from the transformative potential that deliberation can have on the preferences of legislative majorities. The support of these majorities is essential for the success of bills and resolutions on ethnic minority issues. The transformation of legislative preferences can be based on two different mechanisms, which are worth outlining briefly here.

Debates can help formulate majority positions on ethnic minority issues. This can be the case when minority issues are not politically salient in a given society. Legislative deliberation in such circumstances serves the goals of informing the majority of legislative deputies who have no position on ethnic minority issues about the needs of minority communities. In this case,

¹² JM Carey, ‘Legislative Organization’ in RAW. Rhodes, SA. Binder, and BA Rockman, *The Oxford Handbook of Political Institutions* (2006).

¹³ A Levchenko, ‘Not a Place for Discussion’, *Gazeta.ru*. Available at <http://www.gazeta.ru/politics/elections2007/articles/2311346.shtml> (accessed 31 July 2009).

¹⁴ GW Cox, ‘The Organization of Democratic Legislatures’, above note 3.

¹⁵ J Steiner, A Bachtiger, M Spornli and MR Steenbergen, *Deliberative Politics in Action: Analysing Parliamentary Discourse* (2004).

providing information on these needs and deliberating over legislative solutions to community requests can help majorities form preferences on ethnic minority issues.

Debates can also try to convince legislative majorities to change their prior positions on minority issues. Where ethnic issues are already politicized, legislative actors are likely to have well-established preferences over alternative policies on minority-related issues. Minority representatives might strive through the process of deliberation to persuade sceptics and opponents of minority-focused policies to change their position. Such a change of position is more likely when it concerns the transformation of second-order or derived preferences, which are preferences over the best means of realizing shared ends. Deliberation, however, might also help to transform fundamental preferences, which are preferences over ultimate ends.

While the general ability of pure reasoning and deliberation to modify the preference structure of self-interested actors should be rightly viewed with a degree of scepticism, the potential of discussion and deliberation to shape policy outcomes should not be underestimated. The general resurgence of interest in deliberation received a lot of attention in political philosophy literature, which explores what potential benefits other than preference transformation can be generated through ‘free and public reasoning among equals’. This literature largely dismisses the idea that public discussion should not be taken too seriously as it is devoid of content or routinely used by political actors in ‘cheap talk’ practices and in concealing their true underlying preferences.¹⁶

The deliberative democracy literature points instead to a number of beneficial effects of public discussion, even if that discussion does not reshape actors’ preferences. Deliberation induces a particular mode of justifying demands which is rooted in the public goods frame of reference. Deliberation can be creative in the sense that it involves not only a process of choosing among given alternatives, but also a process of generating new alternatives. It might equally constrain or even prevent self-interested proposals from coming onto the voting agenda.¹⁷

¹⁶ J Elster (ed), *Deliberative Democracy* (1998).

¹⁷ J Elster, ‘Introduction’ in Elster, *Deliberative Democracy*, above note 16.

This last argument in favour of deliberation, which Jon Elster calls the ‘civilizing force of hypocrisy’, is that it makes legislative debates about minority interests easier for proponents of minority rights. The growing normative appeal of minority rights, which are increasingly seen as part of a general human rights agenda¹⁸, means that it is more difficult for opponents of minority protection policies to justify their policy positions within the public arena. This and the other abovementioned benefits of public discussion should lead minority representatives to seek to maximize the chances of minority issues being exposed to legislative deliberation, regardless of whether this deliberation promises to change the majority position on the current issues under legislative consideration.

Legislative arenas for deliberation

Legislatures provide several distinct arenas for public deliberation. These include, among others, directory board meetings, governing coalition presidiums and conferences, plenary floor sessions, committee meetings and committee hearings. Meetings of parliamentary caucuses of political parties or parliamentary groups of independent deputies can also serve as a forum for deliberation, albeit limited to intra-party or intra-group discussion. Each of these venues has its own advantages and limitations in terms of fostering legislative awareness of minority issues.

Directory board and governing coalition meetings as well as plenary floor sessions are likely to provide more limited opportunities for minority representatives due to the fact that the agendas of these meetings are usually overcrowded and deliberation time is especially scarce, with many different policy issues competing for the participants’ attention. At the same time, debating ethnic minority issues in the context of these forums represents the most effective way of communicating minority concerns both to the parliamentary leadership and to the rank-and-file members of the legislature.

¹⁸ M Weller (ed), *The Rights of Minorities: A Commentary on the European Framework Convention for the Protection of National Minorities* (2005).

The committee environment creates more space for minority-related deliberation. Internal committee meetings allow for a detailed and informed discussion of the issues raised. This discussion usually rests on some base of knowledge accumulated by the committee members who share professional interest and experience in minority issues and by the permanent technical staff of the committee. While deliberations in such meetings are still likely to be dominated by partisan considerations, the committee members might develop some shared in-group norms that make cooperative behaviour more likely. The small size of committee meetings and the face-to-face nature of interaction can also diminish the tendency of using the committee floor for grand standing and self-promotion.

Minority representatives can take advantage of the special opportunities provided by the committee powers, which usually include the authority to summon experts and executive government officials and to hold official hearings on specific topics. Both meetings with experts/officials and hearings organized by the committees are well suited for achieving one of the AC HCNM commentary's recommendations, which is to establish "regular dialogue ... between the committees and the relevant authorities as well as between them and minority associations". Such hearings can serve both as a source of additional expertise for committee members and as a forum for publicizing minority issues inside and outside the parliament. However, provisions for committee hearings, as well as for ad hoc special commissions, vary significantly across the legislatures. Minority interests can be better served when such provisions are well institutionalized.

Another statement of the AC FCNM Commentary related to committee proceedings mentions that it might be desirable to have committee deliberation in minority languages. However, the issue of minority language use in the legislature could be considered in a broader perspective, as part of the general definition of the status of a minority group in a given society. If the group enjoys an especially elevated status, which could be labelled as a constituent nation status, its language might be on an equal footing with the majority language in parliament. The use of French in the Canadian parliament or Albanian in the Macedonian legislature are examples of such an approach. Otherwise, the use of minority languages in the legislature is a matter of procedure decided by the legislative majorities on a temporary basis. Many post-Soviet

parliaments, for example, allow the use of Russian in legislative proceedings and provide translation services for minority deputies who lack titular language skills. These provisions, unless they are based on the constitutionally entrenched status of Russian as a second state language, do not signify some normative commitment to use minority languages. Rather, they reflect the practical need to ensure effective communication in newly established states where the earlier Soviet policies of linguistic ‘Russification’ made Russian the only available language for communication between titular and minority groups.

Overall, the deliberative and public nature of parliamentary proceedings provides minority representatives with opportunities to advocate and advertise a minority agenda. The existence of different deliberation fora inside the legislature allows these representatives to target different legislative audiences and to engage outside actors such as expert community members, minority organizations and the media. Making good use of these opportunities is the responsibility of minority representatives and this is a topic to which we will now turn.

3. Accountability

Legislative accountability is a core issue in any democratic polity, due to the centrality of legislatures within the democratic process.¹⁹ Legislative accountability means that elected representatives are responsive to the needs and demands of their constituencies and that the latter have the means to sanction representatives for their lack of responsiveness. This section first discusses briefly the importance of constituency-type relations for the legislative behaviour of ethnic minority representatives. It then focuses on the problem of monitoring the performance of legislators. It is argued that making full use of the tools and mechanisms available for such monitoring will provide minority communities with important leverage for ensuring the responsiveness of their representatives.

¹⁹ For a general discussion of political representation issues see A Przeworski, SC Stokes and B Manin (eds) *Democracy, Accountability, and Representation* (1999).

Electoral connection plays a key role in the conceptualization within democratic theory of constituency—representative relations and legislative responsiveness. Different constituencies have different things they want their representatives to do. Constituencies are largely defined by electoral rules and, as indicated by the variety of electoral systems employed across the democratic polities, electoral institutions can define constituencies in a number of different ways. What is common across these different institutional rules is the principle of free and regular elections as the primary means of holding representatives accountable.

In terms of organizational form, representation of ethnic minority interests in the legislature can be more party-dominated or individual legislator-based. Electoral rules that encourage the development of strong and disciplined political parties structure parliamentary representation along party lines. Electoral rules that foster direct ties between individual candidates and constituencies emphasize individual-level representation. This distinction does not necessarily coincide with proportional representation (PR) and single-member district (SMD) electoral rules; it constitutes a distinct dimension that cuts across these two main types of electoral systems. Different combinations of the different electoral rules can lead to different forms of representation coexisting in the same legislature.²⁰ Electoral ties shape how legislators who belong to ethnic minority groups perceive their responsibilities to minority communities. Minority group members can enter the legislature through a variety of institutional channels. They can become legislators through electoral lists or the nomination of mainstream political parties or ethnic minority parties. They can stand as independent candidates in regular SMD elections or in special minority reserved seats elections. These alternative types of electoral ties, as well as a number of other electoral characteristics and party procedures, affect how individual parliamentarians choose their legislative policy priorities, deal with competing demands for their political loyalty and define their stand on minority-related issues.

In terms of the content of representation, the distinction between descriptive and substantive representation has long occupied a central position within the literature.²¹ Substantive

²⁰ On the distinction between individual and collective representation see J Carey, *Legislative Voting and Accountability* (2009).

²¹ HF Pitkin, *The Concept of Representation* (1972).

representation is essentially about policy representation. It focuses on how responsive representatives are to the basic policy needs of minority communities. It also implies that the policy interests of minority constituencies can be represented by parliamentarians who are not themselves necessarily members of minority communities. Many political theorists, however, have made the case for the importance of descriptive representation which, in the context of parliamentary representation, refers to whether members of parliament look like their constituents.²² These theorists argue there is distinctive symbolic value in having various community groups represented by their members. They also suggest that there is a relationship between descriptive and substantive representation. Empirical political science research provides some support for this assumed connection: minority group membership of the legislators matters for substantive representation.²³

Monitoring

While any conceptualizing of representation has at its core the notion that representation implies acting in the interests of the represented, positive political theory makes us aware of a multitude of situations when normatively desirable outcomes are not easily achievable. The central concern of analytical approaches to representation is the problem of politicians' self-interest. As one group of scholars put it, "politicians have goals, interests, and values of their own, and they know things and undertake actions that citizens cannot observe or can monitor only at a cost".²⁴ This is a problem that has been conceptualized more formally in the principal—agent literature that explores the numerous implications of conflict of interest between principals and agents; in our case, minority constituencies are principals and parliamentarians serve as their agents.

²² A Philips, *The Politics of Presence* (1998); W Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (1996).

²³ D Canon, *Race, Redistricting and Representation* (2002).

²⁴ B Manin, A Przeworski, and SC Stokes, 'Elections and Representation' in Przeworski, Stokes and Manin, above note 19.

There is no reason to believe that politicians who come from ethnic minority groups are less self-interested or somehow different in this respect from politicians of the majority group. One telling example in this respect can be found in recent efforts by the minority reserved seats deputies in the Romanian parliament to change the legislative rules that govern elections to the reserved seats. Through bargaining and log-rolling they secured the support of the legislative majority for much stricter electoral registration rules, which privileged the minority organizations represented by the sitting deputies and made it much more difficult for competing minority organizations to contest the seats. These actions clearly did not serve the best interests of minority communities, whose ability to freely choose their representatives was significantly undermined by the change in the rules.²⁵

Monitoring the legislative behaviour of representatives is an important way of addressing informational asymmetry between representatives and their constituencies and of achieving a higher degree of representative compliance with constituency wishes. Legislators might resist efforts to improve the monitoring of their activity and devise strategies to limit the amount of information available about the legislative process. For example, a recent comprehensive study of voting records across a large number of legislatures found considerable differences in the availability of roll-call data records, which the author of the study attributes to the specific preferences of those who control the legislative agenda.²⁶

However, growing demands for transparency combined with advances in information technology have rapidly increased the amount of information on legislative activity available to experts, scholars, non-governmental organizations and the interested public. This includes roll-call data; transcripts of parliamentary debates and hearings; committee decisions and resolutions on individual bills; documentation on committee membership, parliamentary group affiliation, and

²⁵O Protsyk, M Caluser and M Matichescu, 'Electoral Dynamics of Minority Reserved Seats Competition in Romania', ECMI Working Paper No 43, April 2009. Available at <http://www.ecmi.de/rubrik/58/working+papers/> (accessed 31 July 2009).

²⁶J Carey, *Legislative Voting and Accountability* (2009).

parliamentary group changes by individual deputies; individual legislators' records of speeches, bill sponsorship, and interpolations/requests to executive agencies.

Roll-call data, which is the record of individual legislators' votes on a given bill, is a major source of information on the behaviour of legislators. This data comes from floor voting, which is a critical procedural element of all democratic legislatures. Monitoring of such votes by interest groups has long been a practice in the US, where 'report cards' based on legislative voting records are issued by groups ranging from pro-gun lobbies to environmental organizations. The positions that parties and individual legislators take on minority-related bills should also be the subject of constant interest to non-governmental organizations and groups advocating minority interests. The number of such bills in ethnically diverse polities can be quite considerable; they can deal with policy issues such as affirmative action, minority education, language use, multiculturalism, special social welfare and economic development programmes.

A lot of important legislative activity takes place outside the voting floor. Much of this activity, which involves negotiation between parliamentary groups and inside the groups between group leadership and rank-and-file legislators, is not observable from outside the legislative arena. Yet there are many other indicators of legislative behaviour which can serve as valuable sources of information on how legislators serve minority community interests. Committee assignments taken up by minority representatives are indicative of policy areas in which they plan to specialize. While committee membership is usually not determined solely by the preferences of legislators, committee assignments indicate in what substantive policy area the legislators' substantive contributions to law-making should be anticipated.

Bill sponsorship or co-sponsorship is another source of information on legislators' commitment to minority issues. Even when some minority-related draft bills stand no chance of being passed, such legislative initiatives have important symbolic value and serve as a register of minority public policy concerns. Efforts made by individual legislators to identify specific policy issues, such as drafting and introducing the bill, signal their attention to ethnic minority concerns. Speeches made in the different venues of parliamentary deliberation, as well as interpolations/requests sent to the executive government agencies regarding specific issues of

policy implementation, can also contain important information for evaluating legislators' performance.

Overall, increasing the amount of systematic information about legislative behaviour is highly beneficial for the ability of minority constituencies to hold their representatives accountable. Where such information is not available, its systematic collection and release should be demanded. Greater availability of such information helps to reduce the informational asymmetry between minority legislators and their constituencies, and allows the latter to make informed decisions about sanctioning or rewarding their representatives.

4. Conclusion

Legislatures are key arenas of representation, deliberation and policy-making in modern democracies. Whether ethnic minorities are present in national legislative assemblies, whether their voices are heard and whether their interests are taken into account are all important indicators of the ability of the minority to effectively participate in the political process. This chapter has tried to go beyond the usual dictum of 'majorities rule, minorities have rights' and to explore the various opportunities available to representatives of ethnic minority interests within the framework of national legislative assemblies. It discussed channels and procedures that allow minority representatives to influence legislative agenda setting and examined the role of legislative offices in promoting minority interests.

This chapter has also pointed to the importance of parliamentary deliberation as a mechanism for advancing an ethnic minority agenda. Effective use by minority representatives of the various deliberation arenas that exist within a legislature can generate multiple benefits for minority communities. Parliamentary deliberation can have a positive effect on majority preferences and perceptions of minority issues. It can help to alleviate the marginal status of these issues and delegitimize assimilationist rhetoric. It can also expand the choice of policy alternatives and generate creative new solutions for policy problems faced by minority communities.

Finally the chapter stressed the importance of accountability in constituent—representative relations. Whether multiple opportunities for advancing minority interests are utilized depends on how faithfully minority representatives exercise their responsibilities in serving the minority community. This chapter has cautioned against assuming the unproblematic nature of this service. It pointed to the conflicting demands faced by representatives. It highlighted the importance of achieving greater transparency in the work of legislative representatives as a means of improving the monitoring capacity of constituencies, and argued that stronger accountability relations are an essential component of minority political participation.

